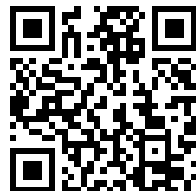

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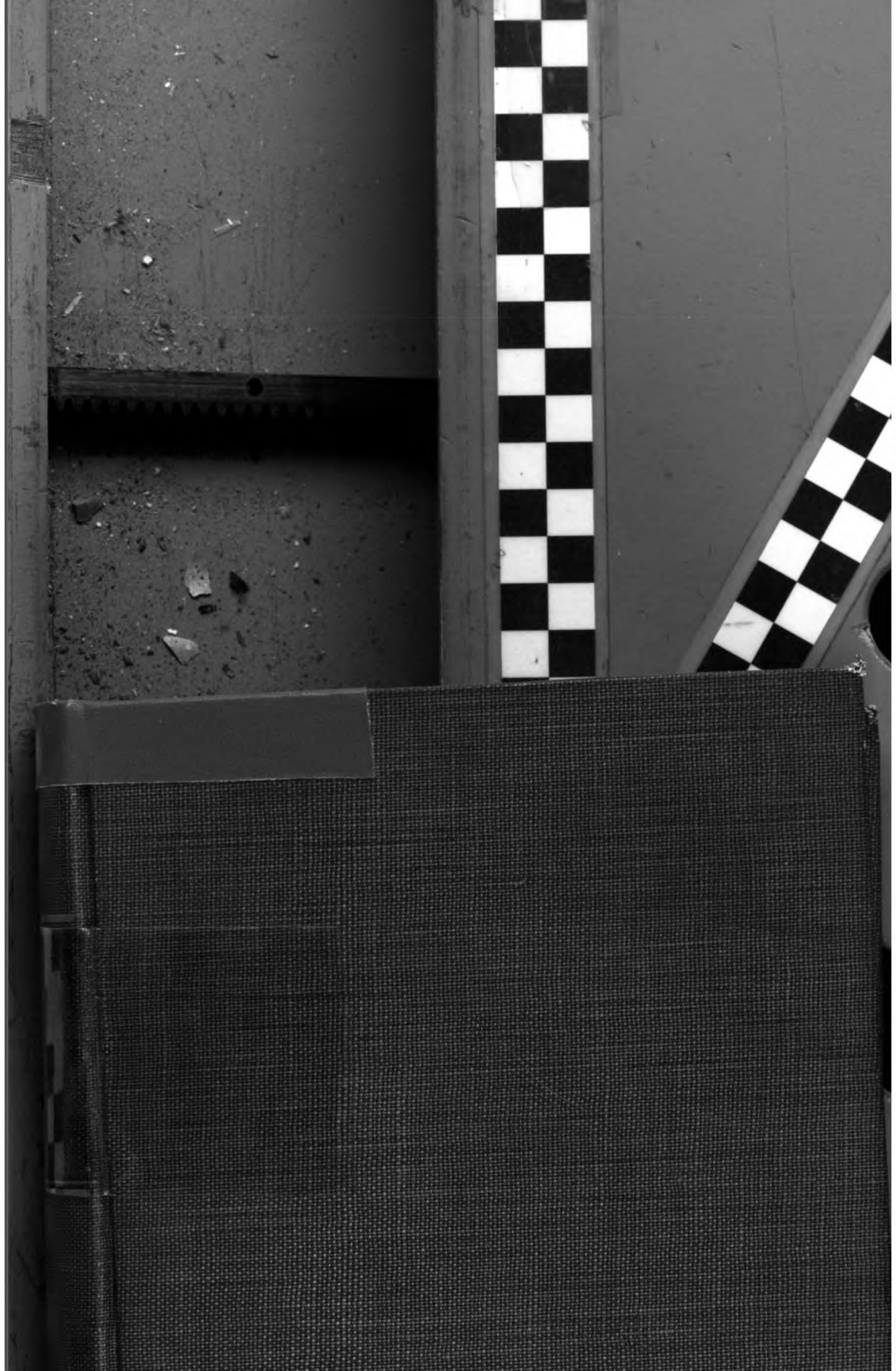




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LAWS OF TEXAS

1822-1897

Austin's Colonization Law and Contract; Mexican Constitution of 1824; Federal Colonization Law; Colonization Laws of Coahuila and Texas; Colonization Law of State of Tamaulipas; Fredonian Declaration of Independence; Laws and Decrees, with Constitution of Coahuila and Texas; San Felipe Convention; Journals of the Consultation; Proceedings of the General Council; Goliad Declaration of Independence; Journals of the Convention at Washington; Ordinances and Decrees of the Consultation; Declaration of Independence; Constitution of the Republic; Laws, General and Special, of the Republic; Annexation Resolution of the United States; Ratification of the same by Texas; Constitution of the United States; Constitutions of the State of Texas, with all the Laws, General and Special, passed thereunder, including Ordinances, Decrees, and Resolutions, with the Constitution of the Confederate States and the Reconstruction Acts of Congress.

COMPILED AND ARRANGED BY

H. P. N. GAMMEL

OF AUSTIN.

WITH AN INTRODUCTION BY C. W. RAINES.

VOLUME V.

AUSTIN:

THE GAMMEL BOOK COMPANY.

1898

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THE CONSTITUTION
OF
THE STATE OF TEXAS

AS AMENDED IN 1861.

**THE CONSTITUTION OF THE CONFEDERATE STATES
OF AMERICA,**

THE ORDINANCES OF THE TEXAS CONVENTION

AND

AN ADDRESS TO THE PEOPLE OF TEXAS.

**PRINTED BY ORDER OF THE CONVENTION
AND THE SENATE.**

**AUSTIN
1861**

ADDRESS

TO THE PEOPLE OF TEXAS:

Austin, March 30th, 1861.

Fellow Citizens: The undersigned are a committee of the Convention, to prepare a brief exposition of its proceedings, with reasons therefor, as an address to the people, for general information.

The political crisis arose from an irreconcilable diversity of opinion between the Northern and Southern portions of the United States of America, as to relative rights. Separation of Southern from Northern States was the leading object of the popular movement, with a view to a consequent confederacy of seceded States, as the best means, if not the only mode, of securing essential and inalienable rights. In this State, the public mind was exercised by the question of our final separation from all other States; but the idea of such a result had no favor; and the apprehension of it was used as an argument against secession, while the objection was met by the assured policy of a seceded confederacy. Hence, with rare exceptions, the advocates and opponents of immediate and separate secession of this State, commenced and prosecuted the canvass, differing on the leading proposition of secession, but uniting in opinion, that consummated secession should result in confederation, as an incident. So the decisive issue was on secession.

Early in the canvass, public sentiment was entitled to prompt facility for its authoritative expression; and a call of the Legislature was earnestly claimed as the ordinary means. It is needless to recite any of the known particulars of Executive opposition to the secession movement; but, the substance of that opposition must be always in mind, in order to understand the popular action of this State. As a remedy against Executive dictation in our State government and against a ruinous administration of the Federal government, the people had but one mode of action; that was prescribed by, and for themselves, in the declaration of rights in our State Constitution, as follows:

“Section 1. All political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit; and they have, at all times, the inalienable right to alter, reform or abolish their form of government, in such manner as they may think expedient.”

To attain the objects, and under the necessity before stated, the people rose in their sovereignty and constituted a Convention to be the representation and instrumentality of their will. At the election of delegates, although held under utmost disadvantages, the aggregate of votes for secession candidates, according to best information, was over thirty-two thousand. The proceeding was extraordinary, and returns were irregular and incomplete, of necessity, from such an election; but reliable information showed for secession, over 32,000, more than half of the largest poll ever given at an election in this State. In opposition there were comparatively few votes. And many other circumstances concurred in establishing the certainty, that the secession sentiment was far in the ascendancy.

Thus elected, and for such purposes, the delegates assembled in Convention, at Austin, the twenty-eighth of January. Although at the time of the election, South Carolina was the only State that had completed secession, and many persons were deterred from voting by apprehension that she might not be sufficiently imitated, yet the secession voters expected co-operation. Before the meeting of the Convention, Florida, Georgia, Alabama, Mississippi and Louisiana had seceded, and Texas was the only exception among all the Gulf States. Encouraged by such examples, Texas felt sustained in her convictions of the propriety of secession before the commencement of the Abolition administration of the general government. Admonished by the same circumstances, of her peculiar dangers, to arise out of, even, delay in cooperation with those States, Texas had just fears as well as natural sympathies, to prompt the earliest practicable association with the seceded States. They had appointed delegates to meet at Montgomery, Alabama, on the fourth of February, to form a provisional government, as a first necessity, and afterwards to prepare and submit a constitution for the government of a permanent confederacy. It would be out of place and time, in this address, to recite the causes, justifying secession. They have been heretofore published by the Convention. But, they must ever be most prominent in considering the current of causes and effects.

Under such circumstances, the Convention was not recreant to its mission. On the first day of February, the fourth after its meeting, the Convention, by a vote of one hundred and sixty-six affirmatives to eight negatives, adopted an ordinance for withdrawing this State from the Union, to take effect on the second of March, unless rejected by the people at an election to be held on the twenty-third of February. The Legislature and the Executive had previously recognized the Convention as a representation of the people, and were in a formal attendance, on invitation, at the adoption of the ordinance. Such recognition was gratifying to the pub-

lic in general, and relieved some persons from doubts of the legality of the Convention; but, it always claimed, by express avowals, to have its authority and instructions directly from the people. The ordinance of separation might have been made immediately final, if necessity had required it; but, there was time before the fourth of March to obtain a more formal and unquestionable expression of public sentiment; and the anniversary of Texan independence, the second of March, was selected as the day of final separation, subject to express rejection at a general election, for which provision was made. While that election was to be decisive on the question of separation, it was, in its nature, to be conclusive on the question of confederation, unless some unexpected event should occur to require another direct and formal expression of the public will. If the Convention could have trifled with itself, it had too much respect for the intelligence of its constituents, to suppose, that they intended to have such an agency constituted simply to prepare and propose a secession ordinance for their ratification or rejection, and then to retire, although the public necessities, which caused the convention, demanded its continuance for immediate and essential action. Even, willing Legislative and Executive functionaries could not do what was necessary, in many respects, for want of authority; and another Convention could not be constituted in time for emergencies, which did not admit of delay. The Convention, as the authorized agency of intelligent public will, proceeded to do whatever the occasion required; but no more. The ordinance of secession involved the public safety, which could not be secured by means of the ordinary government; and a Committee of Safety was constituted with adequate powers to provide means and to control the U. S. military force, with its incidents, within this State, and to substitute indispensable temporary protection. Further, to secure the public safety, and to obtain other inestimable advantages from immediate connection with the States which had finally seceded and were then in convention at Montgomery, Alabama, delegates to that convention were elected—to be advisory, as to interests of this State, until the consummation of its separation, and then to participate on terms of equality in administration of a provisional government, and in preparation of a Constitution for a permanent confederacy. Moreover, to promote security, and other manifest benefits from the contemplated confederacy, commissioners were delegated to Arizona and New Mexico, to procure their cooperation; and other commissioners were sent to the Choctaw, Chickasaw, Creek and Cherokee nations, to aid in preparing them for alliance with such confederacy. Also, other corresponding measures, of minor importance, were adopted. Having made such arrangements for parts of the great popular enterprise, the Convention adjourned on the fifth of February, to meet again on the second of March, as a continued agency, to execute the public will.

On the day for ratification or rejection of the Ordinance for separation the whole subject was before the voters: The state of the general crisis; what the Convention itself had done; what its Committee of Safety was doing during the recess; what commissioners were to do; and what was the incipient relation and prospect of permanent connection of this State with the Confederacy. The Convention acted, and proposed to act, as the authorised agent of the people, and they had an opportunity to affirm or disaffirm such agency, by ratifying or rejecting its principal act. The result of the election on the Secession Ordinance shows more than three in favor of it to one against it, and an aggregate of over sixty thousand votes,—some additions to the regular announcements being made by subsequent official returns,—and the returns of one hundred and twenty counties being included; while only three small counties are not included, of all that have been organized.

The Convention re-assembled on the second of March, and soon found that the election had re-indorsed it as the public agency for the political reformation which was in progress.

During the recess the Committee of Safety, by its agents, with the spontaneous and patriotic co-operation of citizen soldiery, had made arrangements for removing from Texas, by the safe, coast-route, the whole military force within Texas, pertaining to the Union, and for the surrender of all property and possessions, (with small, honorary, exceptions,) held in Texas by the federal government. The execution of such arrangements has progressed nearly to completion, and so as to leave no doubt of full accomplishment at an early date, without any violent collision; although the just apprehension of it caused indispensable preparation. The troops thus called into the field, and some others, have supplied the place of those sent away, as well as circumstances would allow, and will continue to do so until superseded by regular forces. Details of the proceedings of the Committee of Safety cannot be here admitted; but they are otherwise published: and they do honor to the Committee and their agents, while sustaining the Convention for constituting such power as a temporary necessity.

The Convention found that the Constitution for the Provisional Government of the Confederacy was well adapted to the emergency, without departing from any essential principle of the Union Constitution: and the measures of the Provisional Government appeared to be well adapted to circumstances. The selection of persons for the Presidency and Vice-Presidency seemed to be entirely appropriate. The Convention had no hesitation in expressing a formal approval of the Constitution and administration of the Provisional Government, which was not to continue longer than one year, and was to be superseded within that time by a permanent government.

It would be out of place, here, to state what the Provisional Gov-

ernment has done, unless in connection with some action of the Convention. But it is proper to say, that the measures of that government have superseded the action of this State on postal affairs, and on revenue by customs. Under that temporary government, also, the judicial jurisdiction is similar to that of the federal government, but with one judge to each State. As to military and naval affairs, the Provisional Government has provided, so that the Convention did not deem its action necessary, except as before stated, and to raise one regiment of mounted volunteers, to serve twelve months, unless sooner discharged. That government is raising in Texas another similar regiment, and will doubtless accept the former. A law of the last session of the present Legislature provided another mode of defence, by small companies of citizens, as **Minute Men**, along the whole line of frontier, from the Rio Grande to Red River. All these forces are considered more available for protection against Indians, and other marauders, than any previous forces in Texas since its annexation to the Union Government. But there is a deficiency in artillery, infantry, and engineering forces, for which the Provisional Government is making provision. So there is a better prospect and assurance of protection than has been heretofore given with reference to the interior frontier; and the change of circumstances must superinduce better preparation for defence along the coast. Moreover, the Legislature is in session, and has power to provide further against insurrection or invasion, if occasion should require.

Secession from the Union and connection with the Confederacy caused a necessity for a change in the State Constitution, so that the oath of office should have "The Confederate States of America" substituted for "The United States of America." One Ordinance made this change; and another prescribed the times and modes for taking the oath by all present and future officers of the State, declaring a vacancy in case of any failure to take the oath as required. The manner of requirement followed the examples of other States, where willing officials were not captious. The Lieutenant-Governor, Commissioner of the General Land Office, (who was opposed to secession,) Comptroller, State Treasurer, Attorney General, all of the Supreme and District Judges who were in Austin, every member of the State Senate, every member of the House of Representatives, except one, and many county officers, who were in Austin, promptly took the oath, prescribed by the amended Constitution. Of those who thus took the oath, a considerable proportion had opposed secession. But, the Governor and Secretary of State declined to take the oath when notified according to the ordinance therefor. Thereupon the Convention, by another ordinance, declared as consequences, that each office was vacant, and that the Executive powers devolved on the Lieutenant-Governor. The original State Constitution provided, that the Lieutenant-Governor

should so act in case of any vacancy in the office of Governor. And so the Lieutenant-Governor is performing the Executive duties without consent, but without resistance, by the late Governor, who still claims to be legally in office. In this and other instances he has "sought out many inventions" to array the functionaries of the State government against the Convention, which has been obliged to control such official opposition, in pursuing the even tenor of the way to render effectual the known public desire for thorough work, to give early security, peace, and quietude. The will of the late Governor has been against that of the people as to their political destiny; and the one or the other had to yield. The people could not.

At length the "Constitution of the Confederate States of America," for the permanent government, was received. The Convention had previously declared, in its ordinance directing the delegates from this State to participate in forming such a Constitution, that it should not "become obligatory on this State till approved by the people in such way as should be determined upon." That the people might approve by the existing Convention, or that it might provide for another popular election, remained for determination on the arrival of the Constitution. Had it contained any unexpected principle, so as to make a new case in substance, on which the public mind had not been ascertained, the importance of prompt ratification could have yielded to the paramount necessity for another election. But, no such necessity appeared in any part of the Constitution, which did not depart from the general expectation, unless it did so in the excellence of its conformity with the best hope of the people. Former elections, with attending circumstances, left no doubt of the public wish and the corresponding authority of the Convention for immediate and final ratification of the Constitution. If the power existed, the expediency of such a course was commanding, for various reasons. The people could not desire to be troubled by another general election without necessity, and they felt the importance of early relief from strife within this State as to its political position. Prompt certainty, of course, would justify the Confederate government in adopting more expensive, effective, and permanent measures for the defence of this State, especially its desolated frontier, than could be expected before a finality. In connection with the defence of Texas, the appearance of uncertainty, as to its political position, would embarrass the pending arrangements for an alliance between the Confederacy, as one party, and the Choctaw, Chickasaw, Creek, and Cherokee nations, in concert, as the other party. Such hesitation, on the part of Texas, would tend to produce similar hesitation in Arizona and New Mexico, as to their connection with the Confederacy. Such procrastination would operate unfavorably on the neighboring government and people of Mexico, as to

desirable negotiations and intercourse. Any appearance of doubt, that Texas was to be sustained by connection with the Confederacy would stimulate marauding and incendiary efforts, while it would be fuel for faction. During such suspense the postal arrangements for Texas would be embarrassed and retarded; and so as to the judiciary and the revenue. Delay would prostrate trade and commerce. A final connection of this State with the Confederacy, without delay, would give to it additional strength, and promote early success in its negotiations as to peace with the old government—as to the procurement of money—as to recognition by other nations—and as to commercial relations. Moreover, the prompt and permanent connection of Texas with the Confederacy could not fail to have a favorable influence on the border States, as inducement for them to abandon their equivocal positions and connect themselves with their more Southern sisters and natural associations. A like influence would materially affect immigration from those States, conducing to the advantage of the immigrants and to the growth of this State. In view of such considerations, the Convention promptly and finally, on the twenty-third of March, ratified, accepted, and adopted the Constitution, by a vote of one hundred and twenty-eight affirmatives, to two negatives. A copy of this guaranty for our future liberty is annexed to this address, as a part of it, so that the public may have a connected view of the progress and result of the recent wonderful political enterprise of the people of this State.

The people will see that the Constitution of the Confederate States of America is copied almost entirely from the Constitution of the United States. The few changes made are admitted by all to be improvements. Let every man compare the new with the old and see for himself that we still cling to the old Constitution made by our fathers.

But, the Connection of Texas with the Confederacy involved a necessity for modifications of our State Constitution, so that it should be in conformity with our new relation, and another consequent necessity required, that the Legislature should have some extension of power to raise funds within bounds and on terms, that would be safe and beneficial for the State. Such modifications were made. The Convention realized, that other changes of the State Constitution were desirable; but, its amendments were confined to particulars, which were considered to be necessary parts of the great political change.

Many other interesting incidents might be stated; but they would cause this address to be tedious; and the foregoing outline may enable the people to take a connected and orderly view of the substance of proceedings, by which there has been accomplished a political reformation which has no parallel, considering the opposing circumstances and the triumphant successes. The peo-

ple of Texas have asserted their sovereignty. They have dissolved their connection with a government whose administrative power had been augmented and directed so that it would procure their ruin. They have connected themselves with another government whose foundations give the most hopeful assurance of permanent constitutional liberty. By two general elections and two meetings of the Convention, in a State of vast area, within seventy-eight days, the whole change of government has been completed. The popular demonstrations have overcome thousands of the regular army of the old government and an opposing minority of citizens, without bloodshed. Every citizen, if he will, may look with patriotic pride on the consummated reformation whose progress caused no vital interruption in public or private business, and whose result is an assurance of the best security and enjoyment which human government can afford. When permanently successful, such a remodeling of government, embracing our complicated system of reserved State Rights and delegated Confederate authority, may give a better guaranty than all history, that our people at least, are capable of instituting and maintaining free government.

The Convention having finished its work in harmony with the Legislature, confides in that body and the present Executive and the Judiciary, to conduct the State government according to the will and interests of their constituents.

The Convention congratulates the people on the prompt and thorough accomplishment of their wishes. But some citizens are not satisfied: a large proportion of those who did not favor Secession, have subsequently acquiesced, and many of them have become identified with it by candid co-operation. But, in various parts of the State, there are some persons who continue pertinacious in their opposition. It is not the province of this address to comment on their conduct. Their rights as citizens, are not questioned; but their duties are equally unquestionable; and it is proper merely to state their position. Their platform denounces the Convention as an usurpation, and tolerates it only as a partial instrument of the Legislature in submitting the Ordinance for Secession to a popular election, and declares all its other acts to be without authority and void, notwithstanding 46,000 voters endorsed it. Their platform assumes the superiority of the ordinary government over the sovereignty of the people as represented by the Convention, and repudiates its acts with singular inconsistency, inasmuch as the Legislature itself in various modes, has recognised and approved the Convention, and co-operated with it, as a lawful representation of the people; even asking and obtaining from it, for the public good, a certain extension of Legislative power. Their platform claims a pretended right to use force against the Convention and its acts; but, for the present defers the exercise of such monstrous

power. Time must show whether it is to be asserted by violent action, under other circumstances. Their platform appeals to the people against the alledged usurpations, by encouraging re-action and disorganization, thereby encouraging discord and strife; to which ends, among other means, it stimulates jealousies and hostilities among various classes of the community.

In any practical view of the great crisis, there are but two positions for citizens to take—either with the combined policy of separation from the old Union and connection with the Confederate States, or with the contrary. The former is an existing reality; the latter is in opposition to the constituted authority and the public will of Texas. Minor considerations of form must yield to substance. The sovereign will of the people must be sustained. The Convention would fain hope for speedy and universal harmony in devoted patriotism.

The coming elections of this year, for both State and Confederate officers, will deserve peculiar attention by the people, so that they may have the best possible guarantees for accomplishing the great objects of our political reformation.

It has not been deemed necessary to speak particularly of the question of peace or war. The Convention acted with a view to either alternative.

The people will be gratified to know that the members of the Convention have acted with such mutual courtesy, that there has not been a single instance of personality in its deliberations.

Having finished its business about noon of the 25th March, the Convention, in an orderly manner, adjourned sine die. Its proceedings affecting military movements were necessarily secret for the moment, but the injunction of secrecy was removed almost immediately, and the world knows now every transaction. The Convention will be tried by its works, and it feels no apprehension of the freemen of Texas. Invoking the blessings of Heaven on whatever has been properly done by the Convention, its members, except the few who have been called to public stations in the Confederacy, return to their ordinary pursuits in society, to share, for weal or woe, what has been done, in common with their fellow-citizens.

For the Convention, by its committee,

PRYOR LEA, of Goliad,
JOHN HENRY BROWN, of Bell,
JOHN D. STELL, of Leon.

SPECIAL RESOLUTIONS.

1. Resolved, As the sense of this Convention, that the people of Texas fully appreciate the patriotism of those officers of the United States army, whether stationed in or citizens of this State, who have resigned their commissions and cast their fortunes with the Confederate States; and that their appointment to positions of equal or higher grade, in the Confederate States army, would meet with the cordial approval of this State.

2. Resolved, That we cherish feelings of approval and pride towards the cadets of West Point, from this State, who have resigned and returned home to serve their State; and respectfully recommend their appointment to appropriate positions in the army of the Confederate States.

Resolved, That this Convention has heard with profound satisfaction of the election of Jefferson Davis, of Mississippi, and Alexander H. Stephens, of Georgia, to the offices of President and Vice-President of the Provisional Government of the Confederate States of America; and that in their well-known ability, experience, and patriotism, the country possesses ample guaranties that the high and important functions confided to them, will be so administered in these times of peril as to redound to the safety, security and best interests of the people.

Resolved, That a committee of three be appointed by the President of this Convention, to prepare a brief exposition of its proceedings, with reasons therefor, as an Address to the People, for general information; that 10,000 copies be published for circulation by members of the Convention; that the permanent Constitution of the "Confederate States of America" be published as part of such address; and that one-fifth of the whole be in the German and Spanish languages, half in each language.

[Messrs. Pryor Lea, of Goliad, John Henry Brown, of Bell, and John D. Stell, of Leon, were appointed said committee.]

Resolved, That the chairman, (John Henry Brown,) of the committee on Printing be and he is hereby authorized to remain in Austin, after the adjournment of the Convention, to supervise and arrange the printing of such matter as has been ordered for this body; Provided, that his per diem pay shall cease within ten days from the period of adjournment.

THE CONSTITUTION

OF

THE STATE OF TEXAS

AUSTIN
1861

CONSTITUTION OF THE STATE OF TEXAS

PREAMBLE.

We, the people of the State of Texas, acknowledging, with gratitude, the grace of God, in permitting us to make choice of our form of government, do ordain and establish this Constitution:

ARTICLE I.

BILL OF RIGHTS.

That the general, great and essential principles of Liberty and Free Government may be recognized and established, we declare that—

Section 1. All political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit; and they have at all times the inalienable right to alter, reform or abolish their form of government, in such manner as they may think expedient; and, therefore, no government or authority can exist or exercise power within the State of Texas, without the consent of the people thereof previously given; nor after that consent be withdrawn.

Sec. 2. All freemen, when they form a social compact, have equal rights; and no man, or set of men, is entitled to exclusive separate public emoluments or privileges, but in consideration of public services.

Sec. 3. No religious test shall ever be required as a qualification to any office or public trust in this State.

Sec. 4. All men have a natural and indefeasible right to worship God according to the dictates of their own consciences; no man shall be compelled to attend, erect, or support any place of worship, or to maintain any ministry against his consent; no human authority ought, in any case whatever, to control or interfere with the rights of conscience in matters of religion; and no preference shall ever be given by law to any religious societies or mode of

worship. But it shall be the duty of the Legislature to pass such laws as [may] shall be necessary to protect every religious denomination in the peaceable enjoyment of their own mode of public worship.

Sec. 5. Every citizen shall be at liberty to speak, write or publish his opinions on any subject, being responsible for the abuse of that privilege; and no law shall ever be passed curtailing the liberty of speech or of the press.

Sec. 6. In prosecutions for the publication of papers investigating the official conduct of officers, or men in a public capacity, or when the matter published is proper for public information, the truth thereof may be given in evidence. And in all indictments for libels, the jury shall have the right to determine the law and the facts, under the direction of the court, as in other cases.

Sec. 7. The people shall be secure in their [persons] houses, papers and possessions, from all unreasonable seizures or sea[r]ches; and no warrant to search any place, or to seize any person or thing, shall issue, without describing them as near as may be, nor without probable cause supported by oath or affirmation.

Sec. 8. In all criminal prosecutions, the accused shall have a speedy public trial, by an impartial jury; he shall not be compelled to give evidence against himself; he shall have the right of being heard by himself or counsel, or both; shall be confronted with the witnesses against him, and shall have compulsory process for obtaining witnesses in his favor; and no person shall be holden to answer for any criminal charge, but on indictment or information, except in cases arising in the land or naval forces, or offences against the laws regulating the militia.

Sec. 9. All prisoners shall be bailable by sufficient sureties, unless for capital offences, when the proof is evident or the presumption great; but this provision shall not be so construed as to prohibit bail after indictment found, upon an examination of the evidence by a Judge of the Supreme or District Court, upon the return of the [a] writ of habeas corpus, returnable in the county where the offence is committed.

Sec. 10. The privileges of the writ of habeas corpus shall not be suspended, except when in case of rebellion or invasion the public safety may require it.

Sec. 11. Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted. All courts shall be open; and every person for an injury done him in his lands, goods, person, or reputation, shall have remedy by due course of law.

* The words, or letters enclosed in brackets, are found upon the original roll in pencil, and may have been intended as corrections, but by whom made does not appear.

Sec. 12. No person, for the same offence, shall be twice put in jeopardy of life or limb; nor shall a person be again put upon trial for the same offence after a verdict of not guilty; and the right of trial by jury shall remain inviolate.

Sec. 13. Every citizen shall have the right to keep and bear arms, in the lawful defence of himself or the State.

Sec. 14. No bill of attainder, ex post facto law, retroactive law, or any law impairing the obligation of contracts shall be made, and no person's property, shall be taken or applied to public use, without adequate compensation being made, unless by the consent of such person.

Sec. 15. No person shall ever be imprisoned for debt.

Sec. 16. No citizen of this State shall be deprived of life, liberty, property, or privileges, outlawed, exiled, or in any manner disfranchised, except by due course of the law of the land.

Sec. 17. The military shall at all times be subordinate to the civil authority.

Sec. 18. Perpetuities and monopolies are contrary to the genius of a free government, and shall never be allowed; nor shall the law of primogeniture or entailments ever be in force in this State.

Sec. 19. The citizens shall have the right, in a peaceable manner, to assemble together for their common good, and to apply to those invested with the power[s] of government for redress of grievances, or other purposes, by petition, address, or remonstrance.

Sec. 20. No power of suspending laws in this State shall be exercised, except by the Legislature, or its authority.

Sec. 21. To guard against transgressions of the high powers herein delegated, we declare that everything in this "Bill of Rights" is excepted out of the general powers of government, and shall forever remain inviolate, and all laws contrary thereto, or to the following provisions, shall be void.

ARTICLE II.

DIVISION OF THE POWERS OF GOVERNMENT.

Section 1. The powers of the government of the State of Texas shall be divided into three distinct departments, and each of them be confided to a separate body of magistracy—to-wit: those which are Legislative to one—those which are Executive to another, and those which are Judicial to another; and no person, or collection of persons being of one of those departments, shall exercise any power properly attached to either of the others, except in the instances herein expressly permitted.

ARTICLE III.

LEGISLATIVE DEPARTMENT.

Section 1. That all persons who were citizens of the State of Texas on the second day of March, eighteen hundred and sixty-one; all persons born after that time, of parents citizens of this State; all persons born in this State of parents residing in and entitled to acquire the rights of citizenship; all citizens of either of the Confederate States of America, or of any State which may hereafter be admitted into union with the Confederate States of America, on terms of equality with them, immigrating to and permanently residing in this State; all persons naturalized by the Constitution and laws of the Confederate States of America and of this State, and permanently residing therein, (Indians not taxed, negroes and their descendants excepted,) shall be citizens of the State of Texas.

Sec. 2. All free male citizens of this State, as defined in the preceding section, over the age of twenty-one years, who shall have resided in this State one year next preceding an election, and the last six months in the district, county, city or town in which they offer to vote, shall be deemed qualified electors; and should any such qualified elector happen to be in any other county, situated in the district in which he resides at the time of an election, he shall be permitted to vote for any district officer, and qualified electors shall be permitted to vote anywhere in the State for State officers; provided, that no soldier, seaman or marine in the regular army or navy of the Confederate States of America, shall be entitled to vote at any election created by this Constitution.

Sec. 3. Electors in all cases shall be privileged from arrest during their attendance at elections, and in going to and returning from the same, except in cases of treason, felony, or breach of the peace.

Sec. 4. The Legislative powers of this State shall be vested in two distinct branches; the one to be styled the Senate, and the other the House of Representatives, and both together, the "Legislature of the State of Texas." The style of [all] the laws shall be, "Be it enacted by the Legislature of the State of Texas."

Sec. 5. The members of the House of Representatives shall be chosen by the qualified electors, and their term of office shall be two years from the day of the general election. And the sessions of the Legislature shall be biennial, at such times as shall be prescribed by law.

Sec. 6. No person shall be a Representative, unless he be a citizen of this State, and shall have been an inhabitant of this State two years next preceding his election, and the last year thereof a

resident of the district, county, city or town for which he shall be chosen, and shall have attained the age of 21 years at the time of his election.

Sec. 7. All elections by the people shall be held at such time and places in the several counties, cities or towns, as are now, or may hereafter be designated by law.

Sec. 8. The Senators shall be chosen by the qualified electors for the term of four years; and shall be divided by lot into two classes, [as] nearly equal as can be. The seats of Senators of the first class shall be vacated at the expiration of the first two years; and of the second class at the expiration of four years; so that one-half thereof shall be chosen biennially thereafter.

Sec. 9. Such mode of classifying new additional Senators shall be observed, as will as nearly as possible preserve an equality of number in each class.

Sec. 10. When a Senatorial district shall be composed of two or more counties, it shall not be separated by any county belonging to another district.

Sec. 11. No person shall be a Senator unless he be a citizen of this State, and shall have been an inhabitant of this State three years next preceding the election, and the last year thereof a resident of the district for which he shall be chosen, and have attained the age of thirty years.

Sec. 12. The House of Representatives, when assembled, shall elect a Speaker and its other officers, and the Senate shall choose a President for the time being, and its other officers. Each House shall judge of the qualifications and elections of its own members, but contested elections shall be determined in such manner as shall be directed by law. Two-thirds of each House shall constitute a quorum to do business, but a smaller number may adjourn from day to day and compel the attendance of absent members, in such manner, and under such penalties as each House may provide.

Sec. 13. Each House may determine the rules of its own proceedings, punish members for disorderly conduct, and, with the consent of two-thirds, expel a member, but not a second time for the same offence.

Sec. 14. Each House shall keep a journal of its own proceedings, and publish the same; and the yeas and nays of the members of either House, on any question, shall, at the desire of any three members present, be entered on the journal[s].

Sec. 15. When vacancies happen in either House, the Governor, or the person exercising the power of the Governor, shall issue writs of election to fill such vacancies.

Sec. 16. Senators and Representatives shall in all cases, except in treason, felony, or breach of the peace, be privileged from arrest during the session of the Legislature, and in going to and returning from the same, allowing one day for every twenty miles, such

member may reside from the place at which the Legislature is convened.

Sec. 17. Each House, may punish by imprisonment during the session, any person not a member, for disrespectful or disorderly conduct, in its presence, or for obstructing any of its proceedings: provided, such imprisonment shall not at any one time exceed forty-eight hours.

Sec. 18. The doors of each House shall be kept open.

Sec. 19. Neither House shall without the consent of the other, adjourn for more than three days: nor to any other place than that in which they may be sitting without the concurrence of both Houses.

Sec. 20. Bills may originate in either House, and be amended, altered, or rejected by the other; but no bill shall have the force of a law until on three several days it be read in each House, and free discussion be allowed thereon, unless in case of great emergency, four-fifths of the House in which the bill shall be pending may deem it expedient to dispense with this rule; and every bill having passed both Houses, shall be signed by the Speaker and President of their respective Houses.

Sec. 21. All bills for raising revenue shall originate in the House of Representatives, but the Senate may amend or reject them as other bills.

Sec. 22. After a bill or resolution has been rejected by either branch of the Legislature, no bill or resolution containing the same substance, shall be passed into a law during the same session.

Sec. 23. Each member of the Legislature shall receive from the public Treasury, a compensation for his services, which may be increased or diminished by law; but no increase of compensation shall take effect during the session at which such increase shall be made.

Sec. 24. No Senator or Representative shall, during the term for which he may be elected, be eligible to any civil office of profit under this State, which shall have been created, or the emoluments of which may have been increased during such term; and no member of either House of the Legislature shall, during the term for which he is elected, be eligible to any office or place, the appointment to which may be made in whole or in part, by either branch of the Legislature; nor shall the members thereof be capable of voting for a member of their own body, for any office whatever, except it be in such cases as are herein provided. The President for the time being of the Senate, and the Speaker of the House of Representatives, shall be elected from their respective bodies.

Sec. 25. No Judge of any court of law or equity, Secretary of State, Attorney General, Clerk of any court of record, Sheriff or Collector, or any person holding a lucrative office under the Confederate States of America, or this State, or any foreign govern-

ment, shall be eligible to the Legislature; nor shall any person at the same time, hold or exercise any two offices, agencies or appointments of trust or profit under this State; provided that offices of the militia, to which there is attached no annual salary, and the office of Justice of the Peace shall not be deemed lucrative.

Sec. 26. No person who at any time may have been collector of taxes, or who may have been otherwise entrusted with public money, shall be eligible to the Legislature, or to any office of profit or trust under the State government, until he shall have obtained a discharge for the amount of such collection, and for all public moneys with which he may have been entrusted.

Sec. 27. Ministers of the Gospel, being by their profession dedicated to God and the care of souls, ought not to be diverted from the great duties of their functions; therefore, no Minister of the Gospel, or Priest of any denomination whatever, shall be eligible to the Legislature.

Sec. 28. Elections for Senators and Representatives shall be general throughout the State, and shall be regulated by law.

Sec. 29. The Legislature shall at their first meeting, and in the year one thousand eight hundred and forty-eight and fifty, and every eight years thereafter, cause an enumeration to be made of all the free inhabitants (Indians not taxed, Africans and descendants of Africans excepted) of the State, designating particularly the number of qualified electors; and the whole number of Representatives shall, at the several periods of making such enumeration be fixed by the Legislature, and apportioned among the several counties, cities or towns, according to the number of free population in each; and shall not be less than forty-five nor more than ninety.

"[Sections 30 and 32, being obsolete, are omitted.]"

Sec. 31. The whole number of Senators shall at the next session after the several periods of making the enumeration, be fixed by the Legislature, and be apportioned among the several districts to be established by law, according to the number of qualified electors, and shall never be less than nineteen nor more than thirty-three.

Sec. 33. The first session of the Legislature, after the adoption of this Constitution by the Congress of the United States, shall be held at the city of Austin, the present seat of government, and thereafter, until the year one thousand eight hundred and fifty; after which period the seat of government shall be permanently located by the people.

Sec. 34. The members of the Legislature shall, at their first session, receive from the Treasury of the State as their compensation, three dollars for each day they shall be in attendance on, and three dollars for every twenty-five miles traveling to and from the place of convening the Legislature.

Sec. 35. In order to settle permanently the seat of government, an election shall be holden throughout the State, at the usual places

of holding elections, on the first Monday in March, one thousand eight hundred and fifty; which shall be conducted according to law, at which time the people shall vote for such place as they may see proper for the seat of government. The returns of said election to be transmitted to the Governor by the first Monday in June: if either place voted for shall have a majority of the whole number of votes cast, then the same shall be the permanent seat of government until the year one thousand eight hundred and seventy, unless the State shall sooner be divided. But in case neither place voted for shall have the majority of the whole number of votes given in then the Governor shall issue his proclamation for an election, to be holden in the same manner, on the first Monday in October, one thousand eight hundred and fifty, between the two places having the highest number of votes at the first election. The election shall be conducted in the same manner as at the first, and the returns made to the Governor, and the place having the highest number of votes shall be the seat of government for the time herein before provided.

ARTICLE IV.

JUDICIAL DEPARTMENT.

Section 1. The Judicial power of this State shall be vested in one Supreme Court, in District Courts, and in such inferior courts as the Legislature may from time to time ordain and establish; and such jurisdiction may be vested in corporation courts, as may be deemed necessary, and be directed by law.

Sec. 2. The Supreme Court shall consist of a Chief Justice and two Associates, any two of whom shall form a quorum.

Sec. 3. The Supreme Court shall have appellate jurisdiction only, which shall be co-extensive with the limits of the State; but in criminal cases, and in appeals from interlocutory judgments, with such exceptions and under such regulations as the Legislature shall make. And the Supreme Court and Judges thereof shall have power to issue the writ of habeas corpus, and under such regulations as may be prescribed by law, may issue writs of mandamus, and such other writs as shall be necessary to enforce its own jurisdiction, and also compel a Judge of the District Court to proceed to trial and judgment in a cause. And the Supreme Court shall hold its sessions once every year, between the months of October and June, inclusive, at not more than three places in the State.

Sec. 4. The Supreme Court shall appoint its own clerks, who shall hold their offices for four years, and be subject to removal by the said court for neglect of duty, misdemeanor in office, and such other causes as may be prescribed by law.

Sec. 5. The Governor shall nominate, and by and with the advice and consent of two-thirds of the Senate, shall appoint the Judges of the Supreme and District Courts, and they shall hold their offices for six years.

(Sec. 1. The Judges of the Supreme Court, Judges of the District Courts, Attorney General, District Attorneys, Comptroller of Public Accounts, Treasurer of the State, and the Commissioner of the General Land Office, shall, at the expiration of their respective terms of office, or in case a vacancy may occur in either of them, by death, resignation, or otherwise, after this amendment takes effect, and thereafter, be elected by the qualified electors of the State, in the manner prescribed by law.

Sec. 2. That the election for District Judges and District Attorneys shall be confined to their respective districts.)

Sec. 6. The State shall be divided into convenient judicial districts. For each district, there shall be elected [appointed] a Judge who shall reside in the same, and hold the courts at one place in each county, and at least twice in each year, in such manner as may be prescribed by law.

Sec. 7. The Judges of the Supreme Court shall receive a salary not less than two thousand dollars annually, and the Judges of the District Court a salary not less than seventeen hundred and fifty dollars annually; and the salaries of the Judges shall not be increased or diminished during their continuance in office.

Sec. 8. The Judges of the Supreme and District Courts, shall be removed by the Governor, on the address of two-thirds of each House of the Legislature, for wilful neglect of duty or other reasonable cause which shall not be sufficient ground for impeachment: provided however, that the cause or causes for which such removal shall be required, shall be stated at length in such address, and entered on the journals of each House: and provided further, that the cause or causes shall be notified to the Judge so intended to be removed; and he shall be admitted to a hearing in his own defence before any vote for such address shall pass: And in all such cases, the vote shall be taken by yeas and nays and entered on the journals of each House respectively.

Sec. 9. All Judges of the Supreme and District Courts shall, by virtue of their offices, be conservators of the peace throughout the State. The style of all writs and process shall be "The State of Texas." All prosecutions shall be carried on in the name and the authority of the "State of Texas," and conclude, "against the peace and dignity of the State."

Sec. 10. The District Court shall have original jurisdiction of all criminal cases of all suits in behalf of the State to recover penalties, forfeitures and escheats, and of all cases of divorce, and of all suits, complaints, and pleas whatever, without regard to any distinction between law and equity, when the matter in controversy shall be

valued at, or amount to one hundred dollars, exclusive of interest; and the said courts, or the Judges thereof, shall have power to issue all writs, necessary to enforce their own jurisdiction and to* give them a general superintendence and control over inferior jurisdictions. And in the trial of all criminal cases, the jury trying the same shall find and assess the amount of punishment to be inflicted, or fine imposed, except in capital cases, and where the punishment of fine imposed, shall be specifically imposed by law.

Sec. 11. There shall be a Clerk of the District Courts for each county, who shall be elected by the qualified voters for members of the Legislature, and who shall hold his office for four years, subject to removal by information, or by presentment of a grand jury and conviction by a petit jury. In case of vacancy the Judge of the district shall have the power to appoint a Clerk, until a regular election can be held.

Sec. 12. The Governor shall nominate, and by and with the advice and consent of two-thirds of the Senate, appoint an Attorney General, who shall hold his office for two years, and there shall be elected by joint vote of both Houses of the Legislature, a District Attorney for each district, who shall hold his office for two years; and the duties, salaries and perquisites of the Attorney General and District Attorneys shall be prescribed by law.

Sec. 13. There shall be appointed for each county a convenient number of Justices of the Peace, one Sheriff, one Coroner, and a sufficient number of Constables, who shall hold their offices for two years, to be elected by the qualified voters of the district or county, as the Legislature may direct. Justices of the Peace, Sheriffs and Coroners, shall be commissioned by the Governor. The Sheriff shall not be eligible for more than four years in every six.

Sec. 14. No Judge shall sit in any case wherein he may be interested, or where either of the parties may be connected with him by affinity or consanguinity, within such degrees as may be prescribed by law, or where he shall have been of council in the cause. When the Supreme Court or any two of its members shall be thus disqualified to hear and determine any cause or causes in said court, or when no judgment can be rendered in any cases or cases in said court, by reason of the equal division of opinion of said Judges, the same shall be certified to the Governor of the State, who shall immediately commission the requisite number of persons learned in the law, for the trial and determination of said case or cases. When the Judges of the District Court are thus disqualified, the parties may, by consent, appoint a proper person to try the said case; and the Judges of the said courts may exchange districts, or hold courts for each other, when they may deem it expedient, and shall do so when directed by law. The disqualification of Judges

* This word "to" is crossed by pencil mark in original.

of inferior tribunals, shall be remedied as may hereafter be by law prescribed.

Sec. 15. Inferior tribunals shall be established in each county for appointing guardians, granting letters testamentary and of administration; for settling the accounts of executors, administrators and guardians, and for the transaction of business appertaining to estates; and the District Courts shall have original and appellate jurisdiction and general control over the said inferior tribunals, and original jurisdiction and control over executors, administrators, guardians and minors, under such regulations as may be prescribed by law.

Sec. 16. In the trial of all causes in equity in the District Court, the plaintiff or defendant, shall, upon application made in open court, have the right of trial by jury, to be governed by the rules and regulations prescribed in the trials at law.

Sec. 17. Justices of the Peace shall have such civil and criminal jurisdiction as shall be provided for by law.

Sec. 18. In all cases arising out of a contract, before any inferior judicial tribunal, when the amount in controversy shall exceed ten dollars, the plaintiff or defendant shall, upon application to the presiding officer, have the right of trial by jury.

Sec. 19. In all cases where Justices of the Peace, or other judicial officers of inferior tribunals shall have jurisdiction in the trial of causes, where the penalty for the violation of a law is fine or imprisonment (except in cases of contempt) the accused shall have the right of trial by jury.

ARTICLE V.

EXECUTIVE DEPARTMENT.

Section 1. The supreme executive power of this State shall be vested in the Chief Magistrate, who shall be styled the Governor of the State of Texas.

Sec. 2. The Governor shall be elected by the qualified electors of the State, at the time and places of elections for members of the Legislature.

Sec. 3. The returns of every election for Governor, until otherwise provided by law, shall be made out, sealed up, and transmitted to the Seat of Government, and directed to the Speaker of the House of Representatives, who shall, during the first week of the session of the Legislature thereafter, open and publish them in the presence of both Houses of the Legislature; the person having the highest number of votes, and being constitutionally eligible, shall be declared by the Speaker, under the direction of the Legislature to be Governor; but if two or more persons shall have the highest and

an equal number of votes, one of them shall be immediately chosen Governor by Joint vote of both Houses of the Legislature. Contested elections for Governor shall be determined by both Houses of the Legislature.

Sec. 4. The Governor shall hold his office for the term of two years from the regular time of installation, and until his successor shall be duly qualified; but shall not be eligible for more than four years in any term of six years; he shall be at least thirty years of age, shall be a citizen of the State of Texas, and shall have resided in the same three years immediately preceding his election.

Sec. 5. He shall at stated times, receive a compensation for his services, which shall not be increased or diminished, during the term for which he shall have been elected. The first Governor shall receive an annual salary of two thousand dollars and no more.

Sec. 6. The Governor shall be Commander-in-Chief of the Army and Navy of this State; and the Militia, except when they shall be called into the service of the Confederate States of America.

Sec. 7. He may require information in writing from the officers of the Executive Department, on any subject relating to the duties of their respective offices.

Sec. 8. He may, by proclamation, on extraordinary occasions convene the Legislature at the Seat of Government, or at a different place, if that should be in the actual possession of a public enemy: in case of disagreement between the two houses, with respect to adjournment, he may adjourn them to such a time as he shall think proper, not beyond the day of the next regular meeting of the Legislature.

Sec. 9. He shall, from time to time, give to the Legislature information, in writing, of the state of the Government, and recommend to their consideration such measures as he may deem expedient.

Sec. 10. He shall take care that the laws be faithfully executed.

Sec. 11. In all criminal cases, except in those of treason and impeachment, he shall have power, after conviction, to grant reprieves and pardons; and under such rules as the Legislature may prescribe, he shall have power to remit fines and forfeitures. In cases of treason he shall have power, by and with the advice and consent of the Senate, to grant reprieves and pardons, and he may, in the recess of the Senate, respite the sentence until the end of the next session of the Legislature.

Sec. 12. There shall also be a Lieutenant-Governor, who shall be chosen at every election for Governor, by the same persons and in the same manner, and who shall continue in office for the same time, and possess the same qualifications. In voting for Governor and Lieutenant-Governor, the electors shall distinguish for whom they vote as Governor, and for whom as Lieutenant-Governor. The Lieutenant-Governor shall by virtue of his office, be President of

the Senate, and have, when in committee of the whole, a right to debate and vote on all questions, and when the Senate is equally divided to give the casting vote. In case of the death, resignation, removal from office, inability or refusal of the Governor to serve, or of his impeachment or absence from the State, the Lieutenant-Governor shall exercise the powers and authority appertaining to the office of Governor, and shall be styled Governor of the State of Texas, until another be chosen at the periodical election, and be duly qualified, or until the Governor impeached, absent or disabled, shall be acquitted, return, or his disability be removed. The Governor and Lieutenant-Governor shall hereafter be installed into office on the first Thursday after the first Monday of November, A. D. 1861, and on the same day every two years thereafter.

Sec. 13. Whenever the government shall be administered by the Lieutenant-Governor, or he shall be unable to attend as President of the Senate, the Senate shall elect one of their own members as President for the time being. And if, during the vacancy of the office of Governor, the Lieutenant-Governor shall die, resign, refuse to serve, or be removed from office, or be unable to serve, or if he shall be impeached, or be absent from the State, the President of the Senate for the time being, shall, in like manner, administer the government until he shall be superceded by a Governor or Lieutenant-Governor; the Lieutenant-Governor shall, whilst he acts as President of the Senate receive for his services the same compensation which shall be allowed to the Speaker of the House of Representatives, and no more, and during the time he administers the government as Governor, shall receive the same compensation which the Governor would have received had he been employed in the duties of his office, and no more. The President for the time being of the Senate shall, during the time he administers the government, receive in like manner the same compensation which the governor would have received had he been employed in the duties of his office. If the Lieutenant-Governor shall be required to administer the government, and shall, whilst in such administration die, resign, or be absent from the State, during the recess of the Legislature, it shall be the duty of the Secretary of State, to convene the Senate for the purpose of choosing a President for the time being.

Sec. 14. There shall be a seal of State, which shall be kept by the Governor and used by him officially. The said seal shall be a star of five points, encircled by an olive and live oak branches, and the words "The State of Texas."

Sec. 15. All commissions shall be in the name and by the authority of the State of Texas, be sealed with the State Seal, signed by the Governor and attested by the Secretary of State.

Sec. 16. There shall be a Secretary of State, who shall be appointed by the Governor, by and with the advice and consent of the Senate, and shall continue in office during the term of service of

the Governor elect. He shall keep a fair register of all official acts and proceedings of the Governor, and shall, when required lay the same and all papers, minutes and vouchers, relative thereto, before the Legislature, or either House thereof, and shall perform such other duties as may be required of him by law.

Sec. 17. Every bill which shall have passed both Houses of the Legislature shall be presented to the Governor; if he approve, he shall sign it; but if not, he shall return it with his objections to the House in which it shall have originated, who shall enter the objections at large upon the journals and proceed to reconsider it; if, after such reconsideration, two thirds of the members present shall agree to pass the bill, it shall be sent, with the objections, to the other House, by which it shall likewise be reconsidered; if approved by two-thirds of the members present, of that House, it shall become a law: but in such cases the votes of both Houses shall be determined by yeas and nays, and the names of the members voting for or against the bill, shall be entered on the journals of each House respectively: if any bill shall not be returned by the Governor within five days, Sundays excepted, after it shall have been presented to him, the same shall be a law in like manner, as if he had signed it. Every bill presented to the Governor one day previous to the adjournment of the Legislature, and not returned to the House in which it originated before its adjournment, shall become a law, and have the same force and effect as if signed by the Governor.

Sec. 18. Every order, resolution or vote, to which the concurrence of both Houses of the Legislature may be necessary, except on questions of adjournment, shall be presented to the Governor, and before it shall take effect, be approved by him; or being disapproved, shall be repassed by both Houses, according to the rules and limitations prescribed in the case of a bill.

Sec. 19. The Governor, by and with the advice and consent of two-thirds of the Senate, shall appoint a convenient number of Notaries Public, not exceeding six for each county, who, in addition to such duties as are prescribed by law, shall discharge such other duties as the Legislature may from time to time prescribe.

Sec. 20. Nominations to fill vacancies that may have occurred during the recess, shall be made to the Senate during the first ten days of its session. And should any nomination so made be rejected, the same individual shall not again be nominated during the session to fill the same office. And should the Governor fail to make nominations to fill any vacancy during the session of the Senate, such vacancy shall not be filled by the Governor until the next meeting of the Senate.

Sec. 21. The Governor shall reside, during the session of the Legislature, at the place where the sessions may be held, and at all

other times whenever, in their opinion, the public good may require.

Sec. 22. No person holding the office of Governor, shall hold any other office or commission, civil or military.

Sec. 23. A State Treasurer, and Comptroller of public accounts shall be biennially elected, by the joint ballot of both Houses of the Legislature, and in case of vacancy in either of said offices, during the recess of the Legislature, such vacancy shall be filled by the Governor, which appointment shall continue until the close of the next session of the Legislature thereafter.

ARTICLE VI.

MILITIA.

Sec. 1. The Legislature shall provide by law for organizing and disciplining the Militia of this State, in such manner as they shall deem expedient, not incompatible with the Constitution and laws of the "Confederate States of America," in relation thereto.

Sec. 2. Any person who conscientiously scruples to bear arms shall not be compelled to do so, but shall pay an equivalent for personal service.

Sec. 3. No licensed Minister of the Gospel shall be required to perform military duty, work on roads, or serve on juries in this State.

Sec. 4. The Governor shall have power to call forth the Militia to execute the laws of the State, to suppress insurrections, and to repel invasions.

ARTICLE VII.

GENERAL PROVISIONS.

Section 1. Members of the Legislature, and all officers of the State of Texas, before they enter upon the duties of their offices, shall take the following oath or affirmation:

I, (A. B.) do solemnly swear (or affirm) that I will faithfully and impartially discharge and perform all the duties incumbent on me as _____, according to the best of my skill and ability, agreeably to the Constitution and laws of the State of Texas, and also to the Constitution and laws of the Confederate States of America, so long as the State of Texas shall remain a member of that Confederacy. And I do further solemnly swear (or affirm) that since the second day of March, A. D. 1861, I, being a citizen of this State, have not fought a duel with deadly weapons, within this State

nor out of it, nor have I sent or accepted a challenge to fight a duel with deadly weapons; nor have I acted as second in carrying a challenge, or aided, advised or assisted any person thus offending—so help me God.”

Sec. 2. Treason against this State shall consist only in levying war against it, or in adhering to its enemies—giving them aid and comfort; and no person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on his own confession in open court.

Sec. 3. Every person shall be disqualified from holding any office of trust or profit in this State, who shall have been convicted of having given or offered a bribe to procure his election or appointment.

Sec. 4. Laws shall be made to exclude from office, serving on juries, and from the right of suffrage, those who shall hereafter be convicted of bribery, perjury, forgery, or other high crimes. The privilege of free suffrage shall be supported by laws regulating elections, and prohibiting, under adequate penalties, all undue influence thereon from power, bribery, tumult or other improper practice.

Sec. 5. Any citizen of this State, who shall, after the 2d day of March, A. D. 1861, fight a duel with deadly weapons, or send or accept a challenge to fight a duel with deadly weapons, either within the State or out of it; or who shall act as second, or knowingly aid and assist, in any manner, those thus offending, shall be deprived of holding any office of trust or profit under this State.

Sec. 6. In all elections by the people, the vote shall be by ballot until the Legislature shall otherwise direct; and in all elections by the Senate and House of Representatives, jointly or separately, the vote shall be given viva voce, except in the election of their officers.

Sec. 7. The Legislature shall provide by law for the compensation of all officers, servants, agents and public contractors, not provided for by this Constitution, and shall not grant extra compensation to any officer, agent, servant, or public contractor, after such public service shall have been performed, or contract entered into for the performance of the same; nor grant by appropriation or otherwise, any amount of money out of the Treasury of the State, to any individual on a claim real or pretended, where the same shall not have been provided for by pre-existing law; provided, that nothing in this section shall be so construed as to affect the claims of persons against the Republic of Texas, heretofore existing.

Sec. 8. No money shall be drawn from the Treasury but in pursuance of specific appropriations made by law; nor shall any appropriation of money be made for a longer term than two years, except for purposes of education; and no appropriation for private or individual purposes, or purposes of internal improvement, shall be made, without the concurrence of two-thirds of both Houses of the Legis-

lature. A regular statement and account of receipts and expenditures of all public money shall be published annually in such manner as shall be prescribed by law. And in no case shall the Legislature have the power to issue "Treasury Warrants," "Treasury Notes," or paper of any description intended to circulate as money.

Sec. 9. All civil officers shall reside within the State; and all district and county officers, within their districts or counties; and shall keep their offices at such places therein, as may be required by law.

Sec. 10. The duration of all offices not fixed by this Constitution shall never exceed four years.

Sec. 11. Absence on the business of this state, or the "Confederate States of America," shall not forfeit a residence once obtained, so as to deprive any one of the right of suffrage, or of being elected or appointed to any office, under the exceptions contained in this Constitution.

Sec. 12. The Legislature shall have power to provide for deductions from the salaries of public officers, who may neglect the performance of any duty that may be assigned them by law.

Sec. 13. No member of Congress, or person holding or exercising any office of profit or trust under the "Confederate States of America," or either of them, or under any foreign power, shall be eligible as a member of the Legislature, or hold or exercise any office of profit or trust under this State.

Sec. 14. The Legislature shall provide for a change of venue in civil and criminal cases; and for the erection of a Penitentiary at as early a day as practicable.

Sec. 15. It shall be the duty of the Legislature to pass such laws as may be necessary and proper, to decide differences by arbitration, when the parties shall elect that method of trial.

Sec. 16. Within three years after the 2d day of March, A. D. 1861, the laws, civil and criminal, shall be revised, digested, arranged and published, in such manner as the Legislature shall direct; and a like revision, digest and publication shall be made every ten years thereafter.

Sec. 17. No lottery shall be authorized by this State: and the buying or selling of lottery tickets within this State is prohibited.

Sec. 18. No divorce shall be granted by the Legislature.

Sec. 19. All property, both real and personal, of the wife, owned or claimed by her before marriage, and that acquired afterwards by gift, devise, or descent, shall be her separate property; and laws shall be passed more clearly defining the rights of the wife, in relation as well to her separate property as that held in common with her husband. Laws shall also be passed providing for the registration of the wife's separate property.

Sec. 20. The rights of property and of action which have been acquired under the Constitution and laws of the Republic of Texas

shall not be divested; nor shall any rights or actions, which have been divested, barred, or declared null and void, by the Constitution and laws of the Republic of Texas, be re-invested, rev[er]sed or reinstated by this Constitution; but the same shall remain precisely in the situation which they were before the adoption of this Constitution.

Sec. 21. All claims, locations, surveys, grants and titles to land, which are declared null and void by the Constitution of the Republic of Texas, are, and the same shall remain forever null and void.

Sec. 22. The Legislature shall have power to protect by law from forced sale a certain portion of the property of all heads of families. The homestead of a family, not to exceed two hundred acres of land, (not included in a town or city;) or any town or city lot or lots, in value not to exceed two thousand dollars, shall not be subject to forced sale, for any debt hereafter contracted; nor shall the owner, if a married man, be at liberty to alienate the same, unless by the consent of the wife, in such manner as the Legislature may hereafter point out.

Sec. 23. The Legislature shall provide in what cases officers shall continue to perform the duties of their offices, until their successors shall be duly qualified.

Sec. 24. Every law enacted by the Legislature shall embrace but one object, and that shall be expressed in the title.

Sec. 25. No law shall be revised or amended by reference to its title; but in such case the act revised, or section amended, shall be re-enacted and republished at length.

Sec. 26. No person shall hold or exercise, at the same time, more than one civil office of emolument, except that of Justice of the Peace.

Sec. 27. Taxation shall be equal and uniform throughout the State. All property in this State shall be taxed in proportion to its value, to be ascertained as directed by law, except such property as two-thirds of both Houses of the Legislature may think proper to exempt from taxation. The Legislature shall have power to lay an income tax, and to tax all persons pursuing any occupation, trade or profession: Provided, that the term occupation shall not be construed to apply to pursuits either agricultural or mechanical.

Sec. 28. The Legislature shall have power to provide by law for exempting from taxation two hundred and fifty dollars worth of the household furniture or other property, belonging to each family in this State.

Sec. 29. The Assessor and Collector of taxes, shall be appointed in such manner, and under such regulations, as the Legislature may direct.

Sec. 30. No corporate body shall hereafter be created, renewed, or extended, with banking or discounting privileges.

Sec. 31. No private corporation shall be created, unless the bill creating it shall be passed by two-thirds of both Houses of the Legislature; and two-thirds of the Legislature shall have power to revoke and repeal all private corporations, by making compensation for the franchise. And the State shall not be part owner of the stock, or property, belonging to any corporation.

Sec. 32. The Legislature shall prohibit by law individuals from issuing bills, checks, promissory notes, or other paper, to circulate as money.

Sec. 33. The aggregate amount of debts hereafter contracted by the Legislature shall not exceed the sum of five hundred thousand dollars, (\$500,000) (except in case of war, to repel invasion or suppress insurrection,) unless under the following restrictions; that whenever a debt shall be contracted exceeding that amount, the law authorizing the same shall impose and provide for the collection of a direct annual tax, sufficient to pay the interest on such debt, as it falls due, and also to pay and discharge the principal of such debt within eighteen years from the time of the contracting thereof. On the final passage of such law, in either House of the Legislature, the question shall be taken by yeas and nays, and be duly entered on the journals thereof. If no debt shall have been contracted in pursuance of such law, the Legislature may repeal the same, or if a portion of the debt authorized shall have been contracted, the Legislature may, at any time, by law forbid the contracting of any further debt or liability under such law; but the tax imposed by such act, in proportion to the debt and liability which may have been contracted in pursuance of such law, shall remain in force and be irrepealable, and be annually collected until the proceeds thereof shall have made full provision to pay and discharge the interest and principal of such debt and liability. The money arising from any loan or stock creating such debtor liability, shall be applied to the object or objects specified in the act authorizing such debt or liability, or to the re-payment of the same, and for no other purpose whatever. No part of the specific tax authorized by this section shall be appropriated or set apart for any other purpose whatever, but exclusively to the payment of the interest and principal of such debt.

Sec. 34. The Legislature shall, at the first session thereof, and may at any subsequent session, establish new counties for the convenience of the inhabitants of such new county or counties. Provided, that no new county shall be established, which shall reduce the county or counties, or either of them, from which it shall be taken, to a less area than nine hundred square miles, (except the county of Bowie,) unless by consent of two-thirds of the Legislature, nor shall any county be laid off of less contents. Every new county, as to the right of suffrage and representation, shall be considered

as part of the county or counties from which it was taken until entitled by numbers to the right of separate representation.

Sec. 35. No soldier shall in time of peace, be quartered in the house or within the enclosure of any individual without the consent of the owner, nor in time of war, but in a manner prescribed by law.

Sec. 36. The salaries of the Governor, and Judges of the Supreme and District Courts, are hereby fixed at the minimum established in the Constitution, and shall not be increased for ten years.

MODE OF AMENDING THE CONSTITUTION.

Sec. 37. The Legislature, by a vote of two-thirds of all the members of each House shall have the power to call a Convention of the people for the purpose of altering, reforming, or amending the Constitution. The Legislature, at any regular biennial session, by a vote of two-thirds of each House, may propose amendments to the Constitution, which proposed amendments shall be duly published in the public prints of the State at least three months before the next general election thereafter for Representatives to the Legislature, for the consideration of the people, and it shall be the duty of the several returning officers at said general election to open a poll for, and make a return to the Secretary of State of the number of votes cast at said election, for and against said amendment; and if more than one be proposed, then the number of votes cast for and against each of them; and if it shall appear from said return that a majority of the votes cast upon said proposed amendment or amendments have been cast in favor of the same, and two-thirds of each branch of the Legislature, at the next regular session thereafter, shall ratify said proposed amendment or amendments so voted upon by the people, the same shall be valid to all intents and purposes, as parts of the Constitution of the State of Texas. Provided, that the said proposed amendments shall, at each of said sessions, have been read on three several days in each House of the Legislature, and the vote thereon shall have been taken by yeas and nays. And provided further, that the rule in the above proviso shall never be suspended by either of said Houses.

ARTICLE VIII.

SLAVES.

Section 1. The Legislature shall have no power to pass laws for the emancipation of slaves.

Sec. 2. No citizen, or other person residing in this State, shall have power by deed or will, to take effect in this State, or out of it,

in any manner whatsoever, directly or indirectly, to emancipate his slave or slaves.

Sec. 3. The Legislature shall have no power to pass any law to prevent immigrants to this State, from bringing with them such persons of the negro race as are deemed slaves by the laws of any of the Confederate States of America. Provided, that slaves who have committed any felony may be excluded from this State.

Sec. 4. In the prosecution of slaves for crimes of a higher grade than petit larceny, the Legislature shall have no power to deprive them of a trial by jury, except in cases arising under the laws concerning insurrection of slaves.

Sec. 5. Any person who shall maliciously dismember, or deprive a slave of life, shall suffer such punishment as would be inflicted in case the like offence had been committed upon a free white person, and on the like proof; except when such slave has committed, or attempted to commit rape on a white female, or in case of insurrection of such slave.

Sec. 6. The Legislature shall have power to pass laws which will oblige the owners of slaves to treat them with humanity.

ARTICLE IX.

IMPEACHMENT.

Section 1. The power of impeachment shall be vested in the House of Representatives.

Sec. 2. Impeachment of the Governor, Lieutenant-Governor, Attorney General, Secretary of State, Treasurer, Comptroller, and of the Judges of the District Courts, shall be tried by the State.

Sec. 3. Impeachments of Judges of the Supreme Court shall be tried by the Senate. When sitting as a court of impeachment, the Senators shall be upon oath or affirmation, and no person shall be convicted without the concurrence of two-thirds of the Senators present.

Sec. 4. Judgment, in cases of impeachment, shall extend only to removal from office, and disqualification from holding any office of honor, trust or profit, under this State; but the parties convicted shall, nevertheless, be subject to indictment, trial and punishment, according to law.

Sec. 5. All officers against whom articles of impeachment may be preferred, shall be suspended from the exercise of the duties of their office, during the pendency of such impeachment. The appointing power may make a provisional appointment to fill the vacancy occasioned by the suspension of an officer, until the decision on the impeachment.

Sec. 6. The Legislature shall provide for the trial, punishment, and removal from office, of all other officers of the State, by indictment or otherwise.

ARTICLE X.

EDUCATION.

Section 1. A general diffusion or knowledge being essential to the preservation of the rights and the liberties of the people, it shall be the duty of the Legislature of this State to make suitable provisions for the support and maintenance of public schools.

Sec. 2. The Legislature shall, as early as practicable, establish free schools throughout the State, and shall furnish means for their support, by taxation on property: And it shall be the duty of the Legislature to set apart not less than one-tenth of the annual revenue of the State derivable from taxation, as a perpetual fund, which fund shall be appropriated to the support of free public schools, and no law shall ever be made diverting said fund to any other use; and until such time as the Legislature shall provide for the establishment of such schools in the several Districts of the State, the fund thus created shall remain as a charge against the State, passed to the credit of the free common school fund.

Sec. 3. All public lands which have been heretofore, or which may hereafter be granted for public schools, to the various counties, or other political divisions in this State, shall not be alienated in fee, nor disposed of otherwise than by lease for a term not exceeding twenty years, in such manner as the Legislature may direct.

Sec. 4. The several counties in this State which have not received their quantum of lands for the purposes of education, shall be entitled to the same quantity heretofore appropriated by the Congress of the Republic of Texas to other counties.

ARTICLE XI.

Section 1. All certificates for head-right claims to land, issued to fictitious persons, or which were forged, and all locations and surveys thereon, are, and the same were null and void from the beginning.

Sec. 2. The District Courts shall be opened until the first day of July, one thousand eight hundred and forty-seven, for the establishment of certificates for head-rights, not recommended by the Commissioners appointed under the act to detect fraudulent land certificates, and to provide for issuing patents to legal claimants; and the parties suing shall produce the like proof, and be subjected to the requisitions which were necessary, and were prescribed by law to

sustain the original application for the said certificates and all certificates above referred to, not established or sued upon before the period limited, shall be barred, and the said certificates, and all locations and surveys thereon, shall be forever null and void;—and all re-locations made on such surveys shall not be disturbed until the certificates are established as above directed.

ARTICLE XII.

LAND OFFICE.

Section 1. There shall be one general Land Office in the State, which shall be at the seat of government, where all titles which have heretofore emanated, or may hereafter emanate from Government, shall be registered; and the Legislature may establish, from time to time, such subordinate offices as they may deem requisite.

ARTICLE XIII.

SCHEDULE.

Section 1. That no inconvenience may arise from a change of separate natural [national] Government, to a State Government, it is declared, that all process, which may be issued in the name of the Republic of Texas, prior to the organization of the State Government under this Constitution, shall be as valid as if issued in the name of the State of Texas.

Sec. 2. The validity of all bonds and recognizances, executed in conformity with the Constitution and laws of the Republic of Texas, shall not be impaired by the change of government, but may be sued for and recovered in the name of the Governor of the State of Texas; and all criminal prosecutions, or penal actions, which shall have arisen, prior to the organization of the State government under this Constitution, in any of the Courts of the Republic of Texas, shall be prosecuted to judgment and execution in the name of said State. All suits at law and equity, which may be depending in any of the Courts of the Republic of Texas, prior to the organization of the State Government under this Constitution, shall be transferred to the proper court of the State, which shall have jurisdiction of the subject-matter thereof.

Sec. 3. All laws and parts of laws now in force in the State of Texas, which are not repugnant to the Constitution of the Confederate States of America, or the Constitution of this State, shall continue and remain in force as the laws of this State, until they ex-

pire by their own limitation, or shall be altered or repealed by the Legislature.

Sec. 4. All fines, penalties, forfeitures and escheats which have accrued to the Republic of Texas under the Constitution and laws, shall accrue to the State of Texas; and the Legislature shall, by law, provide a method for determining what lands may have been forfeited or escheated.

[Sections 5, 6, 7, 8 and 11, relate entirely to the change from the "Republic" to the "State" of Texas, in 1845-6, and being now obsolete, are omitted.]

Sec. 9. It shall be the duty of the President of Texas, immediately after the inauguration of the Governor, to deliver to him all records, public money, documents, archives, and public property, of every description whatsoever, under the control of the executive branch of the government; and the Governor shall dispose of the same in such manner as the Legislature may direct.

Sec. 10. That no inconvenience may result from the change of government, it is declared that the laws of this Republic relative to the duties of officers, both civil and military, of the same, shall remain in full force, and the duties of the several offices shall be performed in conformity with the existing laws, until the organization of the government of the State, under this Constitution, or until the first day of the meeting of the Legislature: That then the offices of President, Vice-President, of the President's Cabinet, Foreign Ministers, Charges and agents, and others, repugnant to this Constitution, shall be superseded by the same, and that all others shall be holden and exercised until they expire by their own limitation, or be superseded by the authority of this Constitution or laws made in pursuance thereof.

Sec. 12. The first general election for Governor, Lieutenant-Governor and members of the Legislature, after the organization of the Government, shall take place on the first Monday in November, one thousand eight hundred and forty-seven, and shall be held biennially thereafter, on the first Monday in November, until otherwise provided by the Legislature. And the Governor and Lieutenant-Governor, elected in December next, shall hold their offices until the installation in office of the Governor and Lieutenant-Governor to be elected in the year one thousand eight hundred and forty-seven.

Done in Convention, by the Deputies of the people of Texas, at the City of Austin, this twenty-seventh day of August, in the year of our Lord one thousand eight hundred and forty-five.

In testimony whereof, we have hereunto subscribed our names.

THO. J. RUSK, President.

JAMES H. RAYMOND, Secretary.

DEPARTMENT OF STATE,

AUSTIN, June 20, 1864.

I, Robert J. Townes, Secretary of State of the State of Texas, do certify that the Constitution as printed above has been carefully compared with, and conforms literally to the original, and also to the enrolled amendments made by the Convention of 1861, with the exception of the following Sections, which being now obsolete, are omitted: Sections 30 and 32, Art. III, and Section 5, 6, 7, 8, 11 and 13, Art. XIII, on file in this Department.

[SEAL] In testimony whereof, I have hereunto signed my name, and caused the Seal of the Department of State to be affixed, on the day above written.

R. J. TOWNES,
Secretary of State.

THE CONSTITUTION

FOR THE

PROVISIONAL GOVERNMENT

OF THE

CONFEDERATE STATES OF AMERICA

AUSTIN
1861

CONSTITUTION
FOR THE
PROVISIONAL GOVERNMENT
OF THE
CONFEDERATE STATES OF AMERICA.

We, the Deputies of the Sovereign and Independent States of South Carolina, Georgia, Florida, Alabama, Mississippi, and Louisiana, invoking the favor of Almighty God, do hereby, in behalf of these States, ordain and establish this Constitution for the Provisional Government of the same: to continue one year from the inauguration of the President, or until a permanent Constitution or Confederation between the said States shall be put in operation, whichever shall first occur.

ARTICLE I.

SECTION 1.

All legislative powers herein delegated shall be vested in this Congress now assembled, until otherwise ordained.

SECTION 2.

When vacancies happen in the representation from any State, the same shall be filled in such manner as the proper authorities of the State shall direct.

SECTION 3.

1. The Congress shall be the judge of the elections, returns and qualifications of its members; any number of Deputies from a majority of the States, being present, shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and

may be authorized to compel the attendance of absent members; upon all questions before the Congress, each State shall be entitled to one vote, and shall be represented by any one or more of its Deputies who may be present.

2. The Congress may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

3. The Congress shall keep a journal of its proceedings, and from time to time, publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members on any question, shall, at the desire of one-fifth of those present, or at the instance of any one State, be entered on the journal.

SECTION 4.

The members of Congress shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the Confederacy. They shall in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at the session of the Congress, and in going to and returning from the same; and for any speech or debate, they shall not be questioned in any other place.

SECTION 5.

1. Every bill which shall have passed the Congress, shall, before it becomes a law, be presented to the President of the Confederacy; if he approve, he shall sign it; but if not, he shall return it, with his objections, to the Congress, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such consideration, two-thirds of the Congress shall agree to pass the bill, it shall become a law. But in all such cases, the vote shall be determined by yeas and nays; and the names of the persons voting for and against the bill shall be entered on the journal. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress, by their adjournment, prevent its return, in which case it shall not be a law. The President may veto any appropriation or appropriations, and approve any other appropriation or appropriations in the same bill.

2. Every order, resolution or vote intended to have the force and effect of a law, shall be presented to the President, and, before the same shall take effect, shall be approved by him, or being disapproved by him, shall be re-passed by two-thirds of the Congress, according to the rules and limitations prescribed in the case of a bill.

3. Until the inauguration of the President, all bills, orders, reso-

lutions and votes adopted by the Congress shall be of full force without approval by him.

SECTION 6.

1. The Congress shall have power to lay and collect taxes, duties, imposts and excises, for the revenue necessary to pay the debts and carry on the Government of the Confederacy; and all duties, imposts and excises shall be uniform throughout the States of the Confederacy. And this Congress shall also exercise executive powers, until the President is inaugurated:

2. To borrow money on the credit of the Confederacy:

3. To regulate commerce with foreign nations, and among the several States, and with the Indian tribes:

4. To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the Confederacy:

5. To coin money, regulate the value thereof and of foreign coin, and fix the standard of weights and measures:

6. To provide for the punishment of counterfeiting the securities and current coin of the Confederacy:

7. To establish post offices and post roads:

8. To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries:

9. To constitute tribunals inferior to the supreme court:

10. To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations:

11. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water:

12. To raise and support armies; but no appropriation of money to that use shall be for a longer term than two years:

13. To provide and maintain a navy:

14. To make rules for the government and regulation of the land and naval forces:

15. To provide for calling forth the militia to execute the laws of the Confederacy, suppress insurrections, and repel invasions:

16. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the Confederacy, reserving to the States respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress: and

17. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers expressly delegated by this Constitution to this Provisional Government.

SECTION 7.

1. The importation of African negroes from any foreign country other than the slave-holding States of the United States, is hereby forbidden; and Congress is required to pass such laws as shall effectually prevent the same.

2. The Congress shall also have power to prohibit the introduction of slaves from any State not a member of this Confederacy.

3. The privilege of the writ of Habeas Corpus shall not be suspended unless, when in cases of rebellion or invasion, the public safety may require it.

4. No Bill of Attainder, or ex post facto law, shall be passed.

5. No preference shall be given, by any regulation of commerce or revenue, to the ports of one State over those of another: nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties, to another.

6. No money shall be drawn from the Treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

7. Congress shall appropriate no money from the Treasury, unless it be asked for by the President or some one of the heads of the Departments, except for the purpose of paying its own expenses and contingencies.

8. No title of nobility shall be granted by the Confederacy; and no person holding any office of profit or trust under it, shall, without the consent of the Congress, accept of any present, emolument, office, or title of any kind whatever from any king, prince, or foreign State.

9. Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof: or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of such grievances as the delegated powers of this Government may warrant it to consider and redress.

10. A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

11. No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

12. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

13. No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation

14. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of council for his defence.

15. In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by a jury shall be otherwise re-examined in any court of the Confederacy, than according to the rules of the common law.

16. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

17. The enumeration, in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

18. The powers not delegated to the Confederacy by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

19. The judicial power of the Confederacy shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of these States of the Confederacy, by citizens of another State, or by citizens or subjects of any foreign State.

SECTION 8.

1. No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make any thing but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts; or grant any title of nobility.

2. No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the nett produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the Treasury of the Confederacy, and all such laws shall be subject to the revision and control of the Con-

gress. No State shall, without the consent of Congress, lay any duty of tonnage, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II.

SECTION 1.

1. The Executive powers shall be vested in a President of the Confederate States of America. He, together with the Vice-President, shall hold his office for one year, or until this Provisional Government shall be superseded by a Permanent Government, whichever shall first occur.

2. The President and Vice-President shall be elected by ballot by the States represented in this Congress, each State casting one vote, and a majority of the whole being requisite to elect.

3. No person, except a natural born citizen, or a citizen of one of the States of this Confederacy at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained the age of thirty-five years and been fourteen years a resident of one of the States of this Confederacy.

4. In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, (which inability shall be determined by a vote of two-thirds of the Congress,) the same shall devolve on the Vice-President; and the Congress may, by law, provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President; and such officer shall act accordingly, until the disability be removed or a President shall be elected.

5. The President shall, at stated times, receive for his services, during the period of the Provisional Government, a compensation at the rate of twenty-five thousand dollars per annum; and he shall not receive during that period any other emolument from this Confederacy, or any of the States thereof.

6. Before he enter on the execution of his office, he shall take the following oath or affirmation:

I do solemnly swear (or affirm) that I will faithfully execute the office of President of the Confederate States of America, and will, to the best of my ability, preserve, protect, and defend the Constitution thereof.

SECTION 2.

1. The President shall be Commander-in-Chief of the Army and Navy of the Confederacy, and of the Militia of the several States, when called into the actual service of the Confederacy; he may require the opinion, in writing, of the principal officer in each of the Executive Departments, upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons for offences against the confederacy, except in cases of impeachment.

2. He shall have power, by and with the advice and consent of the Congress, to make treaties; provided two-thirds of the Congress concur: and he shall nominate, and, by and with the advice and consent of the Congress, shall appoint ambassadors, other public ministers and consuls, judges of the court, and all other officers of the Confederacy, whose appointments are not herein otherwise provided for, and which shall be established by law. But the Congress may, by law, vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of departments.

3. The President shall have power to fill up all vacancies that may happen during the recess of the Congress, by granting commissions which shall expire at the end of their next session.

SECTION 3.

1. He shall, from time to time, give to the Congress information of the state of the Confederacy and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene the Congress at such times as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed: and shall commission all the officers of the Confederacy.

2. The President, Vice-President, and all civil officers of the Confederacy shall be removed from office, on conviction, by the Congress, of treason, bribery, or other high crimes and misdemeanors: a vote of two-thirds shall be necessary for such conviction.

ARTICLE III.

SECTION 1.

1. The judicial power of the Confederacy shall be vested in one Supreme Court, and in such inferior courts as are herein directed, or as the Congress may, from time to time, ordain and establish.

2. Each State shall constitute a District, in which there shall be a court, called a District Court, which, until otherwise provided by

the Congress, shall have the jurisdiction vested by the laws of the United States, as far as applicable, in both the District and Circuit Courts of the United States, for that State; the Judge whereof shall be appointed by the President, by and with the advice and consent of the Congress, and shall, until otherwise provided by the Congress, exercise the power and authority vested by the laws of the United States in the Judges of the District and Circuit Courts of the United States, for that State, and shall appoint the times and places at which the courts shall be held. Appeals may be taken directly from the District Courts to the Supreme Court, under similar regulations to those which are provided in cases of appeal to the Supreme Court of the United States, or under such regulations as may be provided by the Congress. The commissions of all the judges shall expire with this Provisional Government.

3. The Supreme Court shall be constituted of all the District Judges, a majority of whom shall be a quorum, and shall sit at such times and places as the Congress shall appoint.

4. The Congress shall have power to make laws for the transfer of any causes which were pending in the courts of the United States, to the courts of the Confederacy, and for the execution of the orders, decrees, and judgments heretofore rendered by the said courts of the United States; and also all laws which may be requisite to protect the parties to all such suits, orders, judgments, or decrees, their heirs, personal representatives, or assignees.

SECTION 2.

1. The judicial power shall extend to all cases of law and equity, arising under this Constitution, the laws of the United States, and of this Confederacy, and treaties made, or which shall be made, under its authority; to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the Confederacy shall be a party; controversies between two or more States; between citizens of different States; between citizens of the same State claiming lands under grants of different States.

2. In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

3. The trial of all crimes, except in cases of impeachment, shall be by jury, and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may, by law, have directed.

SECTION 3.

1. Treason against this Confederacy shall consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court.

2. The Congress shall have power to declare the punishment of treason; but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

ARTICLE IV.

SECTION 1.

1. Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may, by general laws, prescribe the manner in which such acts, records and proceedings shall be proved and the effect of such proof.

SECTION 2.

1. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

2. A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

3. A slave in one State, escaping to another, shall be delivered up, on claim of the party to whom said slave may belong, by the executive authority of the State in which such slave shall be found, and in case of any abduction or forcible rescue, full compensation, including the value of the slave and all costs and expenses, shall be made to the party, by the State in which such abduction or rescue shall take place.

SECTION 3.

1. The Confederacy shall guarantee to every State in this Union, a republican form of government, and shall protect each of them against invasion; and, on application of the Legislature, or of the Executive, (when the Legislature can not be convened,) against domestic violence.

ARTICLE V.

1. The Congress, by a vote of two-thirds, may, at any time, alter or amend this Constitution.

ARTICLE VI.

1. This Constitution, and the laws of the Confederacy which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the Confederacy, shall be the supreme law of the land; and the judges in every State shall be bound thereby, any thing in the Constitution or laws of any State to the contrary notwithstanding.

2. The Government hereby instituted shall take immediate steps for the settlement of all matters between the States forming it, and their other late confederates of the United States, in relation to the public property and public debt at the time of their withdrawal from them; these States hereby declaring it to be their wish and earnest desire to adjust everything pertaining to the common property, common liability, and common obligations of that union, upon the principles of right, justice, equity, and good faith.

3. Until otherwise provided by the Congress, the city of Montgomery, in the State of Alabama, shall be the seat of Government.

4. The members of the Congress and all executive and judicial officers of the Confederacy shall be bound, by oath or affirmation, to support this Constitution; but no religious test shall be required as a qualification to any office or public trust under this Confederacy.

5. The Congress shall have power to admit other States.

[The following amendment was adopted at the Second Session of the Provisional Congress:]

No. 169.]

AN ORDINANCE

Of the Convention of the Congress of the Confederate States.

Be it ordained by the Congress of the Confederate States of America, That the second paragraph of the first section of the third Article of the Constitution of the Confederate States of America, be so amended in the first line of said paragraph, as to read, "Each State shall, until otherwise enacted by law, constitute a district," and in the sixth line, after the word "judge," add "or judges."

Approved May 21st, 1861.

SPECIAL LAWS

OF

THE EIGHTH LEGISLATURE

CONVENED NOVEMBER 7, 1859

BY AUTHORITY

AUSTIN
1860

SPECIAL LAWS.

CHAPTER 1.

An Act to empower the Mayor, Aldermen and Inhabitants of the City of Galveston to issue bonds for the construction of a bridge from the Island of Galveston to the main land, in aid of the Galveston, Houston and Henderson Railroad, and to validate the bonds by them issued or to be issued for such purpose; and to impose a special tax to pay the interest on said bonds, and to provide a fund to meet said bonds when due.

Whereas, at a special election held in the city of Galveston on the 19th May, 1858, the people of said city did almost unanimously vote for the creation of a debt of said city to the amount of one hundred thousand dollars, for the purpose of constructing a bridge from Galveston Island to Virginia Point on the mainland, in aid of the Galveston, Houston and Henderson Railroad; and, whereas, in pursuance of said expressed wish of the people of said city, the corporate authorities of said city, did pass and approve an ordinance on the 26th day of August, 1858, authorizing a contract for the construction of said bridge, section 5th of which ordinance is as follows: "Sec. 5th. That it shall be the duty of the Mayor, whenever, after a contract shall be entered into for the construction of the aforesaid work, it shall be in his opinion, or that of the city council requisite and necessary to do so, to issue the bonds of the corporation of this city, to the extent of one hundred thousand dollars, or as much thereof as may be necessary for the construction of said bridge, and cause the same to be negotiated in such a manner, and by such means as he may deem most conducive to the interests of the city, the said bonds to be in

sums of not less than one hundred, nor more than one thousand dollars, to be payable in not less than twelve nor more than twenty years from the date thereof, and to bear interest of and at the rate of not more than ten per centum per annum, which interest shall be payable semi-annually on presentation and surrender of the coupons to be thereto attached."

And, whereas, a contract was entered into for the construction of said work in accordance with the provisions of said ordinance, and the Mayor in pursuance of the authority to him given in Section 5th of said ordinance did cause some of the bonds to be issued as specified in said section, and others have to be issued to pay for said work which is near completion, and doubts having arisen as to the validity of said bonds because the same are for the construction of a work without the corporate limits of said city.

And, whereas, the corporate authorities of said city have requested the passage of a law authorizing and validating the said bonds issued and to be issued. Now, therefore,

Section 1. Be it enacted by the Legislature of the State of Texas, That the bonds of the corporation of the city of Galveston issued and to be issued in pursuance of the vote of the people of said city of 19th May, 1858, and the ordinance of the corporate authority of said city of 26th August, 1858, and the interest coupons of the same, be and the same is hereby declared valid and binding upon the "Mayor, Aldermen and Inhabitants of the city of Galveston," and that the same are, and shall continue to be a valid and subsisting debt of said corporation, and may be sued upon when due and payment enforced as in case of other legal obligations in any court having jurisdiction of the amount.

Sec. 2. That the corporate authorities of the city of Galveston, shall have, and are hereby invested with the power to impose and assess, as other taxes are assessed, and to collect as the other taxes are collected, a special tax of one-fourth of one per centum per annum upon all the property, real and personal, not exempt by law from taxation, situated and being in the limits of said city, for the purpose of paying the accruing interest on said bonds, and to provide a fund to retire the same when due.

Sec. 3. That this act shall take effect and be in force from and after its passage.

Approved December 7th, 1859.

CHAPTER 2.

An Act for the relief of George W. Goodman.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be authorized and required to issue to George W. Goodman, a certificate for three hundred and twenty acres of land, provided said applicant has never received any land by virtue of his emigration and settlement in the State of Texas.

Sec. 2. That said certificate when issued may be located, surveyed and patented upon any vacant and unappropriated land in Mercer's Colony, and that this act take effect from and after its passage.

Approved December 8th, 1859.

CHAPTER 3.

An Act for the relief of Albert G. Walker.

Section 1. Be it enacted by the Legislature of the State of Texas, That, whereas, Albert G. Walker with M. J. Brinson, V. J. Hutton, B. F. Bartley, D. O. Hoover and others as his securities, are bound to the State of Texas in the bail bond for the sum of twenty-five hundred dollars, executed by them on about the 3rd day of August, 1859, before William Quayle, Chief Justice of the county of Tarrant, and conditioned for the personal appearance of said Walker, at the next term of the District Court of said county to answer to the charge named in said bond; and, whereas, the said Albert G. Walker is necessarily in attendance upon the present session of the Legislature as a Senator from the 5th Senatorial district, so that he cannot make his personal appearance in compliance with the condition of said bond, at the next term of said court without neglect of his duties as Senator. He is hereby authorized to plead and show the fact of his attendance here, as cause why said bond should not be forfeited, and the same shall be received and allowed as a valid plea in his defense in that behalf.

Sec. 2. That this act take effect and be in force from and after its passage.

Passed December 8th, 1859.

CHAPTER 4.

An Act for the relief of Joseph Thompson.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue a certificate for three hundred and twenty acres of land, to Joseph Thompson, of the County of Cass, and State of Texas, which may be located on any of the public domain of the State of Texas, not otherwise appropriated, subject to all the laws now in force in reference to the location of land certificates, and return of field notes and patent: Provided, he has never heretofore received any land from the State by virtue of his head-right.

Sec. 2. That this act shall take effect from and after its passage.
Approved December 16th, 1859.

CHAPTER 5.

An Act to legitimate Donaceana Thomas, late Donaceana Howland.

Section 1. Be it enacted by the Legislature of the State of Texas, That Donaceana Thomas, late Donaceana Howland, be, and she is hereby made and declared to be the legitimate child and heir of Samuel W. Howland, deceased, with full power to inherit all property of which he died seized or possessed, as fully as if she had been born in lawful wedlock, and that this act take effect and be in force from and after its passage.

Approved December 17th, 1850.

CHAPTER 6.

An Act to amend an act, entitled an act to incorporate the Houston Tap and Brazoria Railroad Company, passed September 1st, 1856, and for relief.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Houston Tap and Brazoria Railway Company,

chartered by act of incorporation, passed by the Legislature of the State of Texas on the 1st day of September, A. D. 1856, be, and is hereby declared to be entitled to receive all the benefits of an act entitled "An Act to provide for the investment of the Special School Fund, in the bonds of Railroad Companies, incorporated by the State, passed August 13th, A. D. 1856;" and an act to amend the third section of an act entitled "an act for the investment of the Special School Fund in the bonds of Railroad Companies, incorporated by the State," passed August 26th, A. D. 1856, as fully and to the same extent as any other Railroad Company of this State.

Sec. 2. That the Treasurer of the State be, and he is hereby required to pay to the Houston Tap and Brazoria Railroad Company, or its authorized agent, the three warrants drawn on him, and signed by the Governor and Attorney General of the State, one of said warrants dated Austin, Texas, June 22nd, 1859 for (\$150,000) one hundred and fifty thousand dollars; one dated Austin, September 8th, 1859, for (\$30,000) thirty thousand dollars and one dated Austin, September 30th, 1859. for (\$30,000) thirty thousand dollars, which together comprise the sum of two hundred and ten thousand dollars, heretofore drawn upon him, under the provisions of the acts, providing for the investment of the Special School Fund in the bonds of Railroad Companies upon their compliance with the requirements of said acts.

Sec. 3. That this act take effect and be in force from and after its passage.

Approved December 17th, 1859.

CHAPTER 7.

An Act to donate land to John Ricord.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be authorized, and he is hereby required to issue to John Ricord, a certificate of one-third of a league of land, to be located and patented as in other cases.

Sec. 2. That this act take effect from and after its passage.

Passed December 19th, 1859.

CHAPTER 8.

An Act for the relief of Michael K. Hammond.

Whereas, Michael K. Hammond obtained from the County Court of Bowie county, on the 1st day of July, A. D. 1844, a certificate for three hundred and twenty acres of land, to which he had become entitled by his emigration to, and residence in the Republic of Texas, which certificate is dated the same day, No. 111, and signed by Jas. N. Smith, Chief Justice, and James C. Moore and J. A. McKinney associates; and, because the said County Court have made no report thereof to the Land Office as required by law, the said certificate is suspended, Therefore,

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office is hereby required upon the surrender of said certificate to him for cancellation, to issue to the said Michael K. Hammond in lieu thereof a certificate for three hundred and twenty acres of land.

Sec. 2. That this act shall take effect on its passage.

Approved December 20th, 1859.

CHAPTER 9.

An Act supplemental to an act entitled an act to revive and continue in force and supplemental to and amendatory of an act to incorporate the San Antonio and Mexican Gulf Railroad Company, approved September 5th, A. D. 1850, and the several supplemental and amendatory acts concerning said Railroad, approved November 14th, A. D. 1857.

Section 1. Be it enacted by the Legislature of the State of Texas, That the time for the completion, equipment and placing in running order of the first seventy-five miles of the San Antonio and Mexican Gulf Railroad shall be, and the same is hereby extended to the first day of January, A. D. 1862; anything in the original charter of said Company and several acts supplemental thereto and amendatory thereof, to the contrary notwithstanding; that the completion, equipment and placing in running order of seventy-five miles of said road on or before the

first day of January, A. D. 1862, shall be deemed a sufficient compliance with the original charter and acts supplemental thereto and amendatory thereof, to entitle the said company to all the benefits and privileges therein specified, and to the benefits of any general law for the encouragement of Railroads and regulating the same.

Sec. 2. That the directors and stockholders of the said San Antonio and Mexican Gulf Railroad Company be, and they are hereby authorized to contract with the stockholders and directors of the Indianola Railroad Company for any portion of their road-bed or for the construction and equipment of any portion of said Indianola Railroad, and that in case of such contract with the consent and approbation of the directors and stockholders of said Indianola Railroad Company, such portion of said road-bed and road shall become a part of the San Antonio and Mexican Gulf Railway, and shall be owned, used and regulated by said San Antonio and Mexican Gulf Railroad Company in accordance with the provisions of the charter of said company: Provided this act shall not be so construed as to allow more than sixteen sections of land per mile, for every mile of road constructed, and further provided, that the capital stock of said San Antonio and Mexican Gulf Railroad Company shall not exceed seven millions of dollars.

Sec. 3. That the directors and stockholders of said company be, and they are hereby authorized to apply any portion of the capital stock of said company to any one or more sections of said road: provided, a report of the same be made to the Comptroller of the State by the directors, as to the stock so applied, and of the section or portion to which the same may be applied.

Sec. 4. That this act take effect and be in force from and after its passage.

Passed December 22nd, 1859.

CHAPTER 10.

An act amendatory of and supplemental to an act entitled an act to incorporate the Sabine and Galveston Bay Railroad and Lumber Company, passed September the 1st, 1856.

Whereas, the Legislature of the State of Louisiana, by an

act approved March the 17th, 1859, entitled an act to recognize and grant the right of way to the Sabine and Galveston Bay Railroad and Lumber Company, "incorporated said company in the State of Louisiana, and authorized the construction of the company's Railroad from the crossing of the Sabine river to the town of New Ibena, in said State of Louisiana, under the name and style of the "Louisiana Division," with the right and privilege to accept of any act of the Legislature of the State of Texas, changing the name of said corporation to the Texas and New Orleans Railroad Company. Therefore,

Section 1. Be it enacted by the Legislature of the State of Texas, That the name of the Sabine and Galveston Bay Railroad and Lumber Company, be and is hereby changed to "the Texas and New Orleans Railroad Company," and that the Company may designate that part of their works which may be in the State of Texas, as the "Texas Division," and that part lying in the State of Louisiana as the "Louisiana Division." And that all contracts, mortgages, debts and obligations of every description whatsoever, heretofore made or now existing, between the Company and all persons, and corporations shall be of the same force and effect, under the name of the "Texas and New Orleans Railroad Company," as if they had been originally so made.

Sec. 2. That the Company be, and is hereby authorized and empowered to accept of, and act under, the act of the Legislature of the State of Louisiana, incorporating it in that State, approved March the 17th, 1859. And that the Directors of the Company may increase the capital stock to a sufficient amount to cover the cost of their works in the State of Louisiana.

Sec. 3. That all subscriptions to the capital stock of the Company made in the State of Texas to the "Texas Division," shall be expended within the limits of this State, and all subscriptions made in Louisiana for the "Louisiana Division," shall be expended on the work within that State, and that after the completion and opening of both divisions of the Company's Railroad, the Board of Directors shall have the power and authority to consolidate the same upon such terms and conditions as the holders or owners of two-thirds of the capital stock of the Texas Division may determine upon and assent to.

Sec. 4. That the Company shall be, and is entitled to all the benefits of an act entitled an act to encourage the construction of Railroads in Texas by donations of land, approved January 30th, 1854, and an act entitled an act to provide for the

investment of the special School Fund in the bonds of Railroad Companies incorporated by the State, passed August the 13th, 1856, and all acts supplemental thereto, and amendatory thereof. And it is specially provided that nothing contained in this act, or the acts to which it is supplemental and amendatory of, shall be so construed as to permit this Company to appropriate any part of the said aid received from the State of Texas to the construction of its Railroads in the State of Louisiana.

Sec. 5. That this act take effect and be in force from and after its passage.

Approved December 24th, 1859.

CHAPTER 11.

An Act to incorporate the Hebrew Congregation at the city of Houston.

Section 1st. Be it enacted by the Legislature of the State of Texas, That Henry Fox, L. S. Hohmthad, S. Mayer, M. Jacobs, G. Gerson, A. Cramn, S. Rosmfiew, R. Cohn, A. G. Kotswitz (of Paris,) G. A. Simon, B. Cowen, Jacob Kern (of Jefferson,) J. Jacobs, A. J. Raphael, Julius Paris, Ph. Harris, Jacob Alexander, A. Shuelin, C. Dovidson, M. A. Levy, Wolf Bachrach, Moses Richman, B. Wolf, Isaac Ephraim, Charles Dryfus, J. Coleman, J. J. Rosmflew, Samuel Foy, W. Cohn, D. Wicaer, Felix Wolf and their associates and successors, be and they are hereby created a body corporate in the city of Houston for religious purposes, capable in law of suing and being sued, to have a seal, and to pass all necessary by-laws, rules and regulations for the government of said congregation, not inconsistent with the laws and Constitution of this State.

Sec. 2. That said corporation may have and hold real and other estate not to exceed fifty thousand dollars, and to elect such officers and managers of said corporation as they may deem proper, and this act of incorporation shall extend for twenty years.

Sec. 3. That this act take effect and be in force from and after its passage.

Approved December 28th, 1859.

CHAPTER 12.

An Act to incorporate the Houston Hook & Ladder Company No. 1, and Liberty Fire Company No. 2, of the city of Houston.

Section 1. Be it enacted by the Legislature of the State of Texas, That T. W. Whitmarsh, E. Riordan, E. L. Bremond and J. W. Mangum, of the Houston Hook & Ladder Company No. 1, James Robertson, A. F. Gammell, Peter Schwanders and E. F. Williams of Liberty Fire Company No. 2, of the city of Houston and their associates and successors shall be, and they are hereby constituted a body politic and corporate as a fire department for the city of Houston, under the names of the Houston Hook and Ladder Company No. 1, and Liberty Fire Company No. 2, of the city of Houston, with power to sue and be sued, plead and be impleaded, to appear and prosecute to final judgment in any Court or elsewhere; to have a common seal, with such device as they may adopt; to elect in whatever manner they may choose the officers necessary to command them; to establish by-laws for the government and regulation of their affairs not inconsistent with the Constitution and laws of this State, and the same to alter or amend at pleasure, and to hold real and personal property, and to dispose of the same: Provided, however, such real estate and personal property shall at no time exceed twenty thousand dollars in value, and that the Houston Hook & Ladder Company No. 1, shall never exceed forty members rank and file, and Liberty Fire Company No. 2, fifty members rank and file.

Sec. 2. That the actual members of said Companies shall be exempt from serving on juries, except in capital cases.

Sec. 3. That said Companies shall have the power by their constitution and by-laws to try all violators of their own ordinances agreed upon by a majority of the members of said Companies to suspend, expel or fine not exceeding ten dollars, those violating the constitution and laws of said Companies.

Sec. 4. That this act of incorporation shall be and continue in force for and during the term of twenty years from and after its passage.

Approved December 31st, 1859.

CHAPTER 13.

An Act for the relief of Hannah C. Buckner.

Section 1. Be it enacted by the Legislature of the State of Texas, That Hannah C. Buckner, daughter of Benjamin P. Buckner, be and she is declared to be and made a legitimate heir of Benjamin P. Buckner, capable in law of inheriting equally with his other children, the property of her father that may come to her by descent or will.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved December 31st, 1859.

CHAPTER 14.

An Act for the relief of Alexander Fuggerson.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be and he is hereby required to issue to Alexander Fuggerson, a certificate for six hundred and forty acres of land, (provided said claim has not been heretofore received,) which may be located, surveyed and patented as other headright certificates, and that this act take effect from and after its passage.

Approved January 2nd, 1860.

CHAPTER 15.

An Act for the relief of the heirs of Joseph W. Bass, Deceased.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue a certificate for six hundred and forty acres of land, to the heirs of Joseph W. Bass, deceased: provided, that no certificate for land has already been issued to said Bass or his heirs.

Sec. 2. That the certificate so issued may be located, surveyed and patented as other like certificates.

Sec. 3. That this act take effect and be in force from and after its passage

Approved January 2nd, 1860.

CHAPTER 16.

An Act for the relief of A. H. Booth.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby instructed to issue to A. H. Booth, a certificate for three hundred and twenty acres of land, to be located, surveyed and patented as other certificates.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved January 2nd, 1860.

CHAPTER 17.

An Act for the relief of the heirs of A. Spain Summerlin, Deceased.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Comptroller Acting Commissioner of the Court of Claims be, and is hereby authorized and required to issue to the heirs of A. Spain Summerlin, deceased, one-third of a league head-right certificate; nine hundred and sixty acres bounty warrant, and a donation warrant for six hundred and forty acres in consideration of said Summerlin having fallen at the Alamo under Bowie and Travis. Provided, that said certificates have never heretofore issued. Said certificate to be located, surveyed and patented as other certificates of a similar character.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved January 2nd, 1860.

CHAPTER 18.

An Act for the relief of the heirs of Matt Finch, Deceased.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Comptroller Acting Commissioner of the Court of Claims be, and is hereby authorized and required to issue to the heirs of Matt Finch, deceased, a donation warrant of six hundred and forty acres, in consideration of his having participated in the battle of San Jacinto: provided, said Finch has never received said donation. Said certificate to be located, surveyed and patented, as other certificates of like character.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved January 2nd, 1860.

CHAPTER 19.

An Act to incorporate the Texas Masonic Institute.

Section 1. Be it enacted by the Legislature of the State of Texas, That William G. Veal, John G. Lantz and G. W. Coalman and their associates and successors in office, be, and they are hereby incorporated and created a body politic and corporate by the name and style of "The Trustees of the Texas Masonic Institute," with the right to sue and be sued, to plead and be impleaded, to buy, sell and hold property, real, personal and mixed, not to exceed twelve thousand dollars in value, and shall be invested with the rights, powers, privileges and immunities incident and belonging to incorporated institutions of learning, with power to make such by-laws and regulations as they may deem necessary for the control and management of said Institution.

Sec. 2. That this Institution shall be located at Veal's Station in the county of Parker, and the privileges of this charter shall inure and extend to said trustees, their associates and successors in trust, so long as they shall confine their operations to the promotion of science and promulgation of education, not to exceed twenty years.

Sec. 3. That this act shall take effect from and after its passage.

Approved Jan. 2, 1860.

CHAPTER 20.

An Act for the relief of Mary Elam.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be authorized and required to issue to Mary Elam, an unconditional certificate for six hundred and forty acres of land, provided she has not heretofore received the same.

Sec. 2. That said certificate, when issued, may be located, surveyed and patented upon any of the unappropriated public domain of the State; and that this act take effect and be in force from and after its passage.

Approved Jan. 7th, 1860.

CHAPTER 21.

An Act to authorize the county court of Collin county to levy a special tax for the erection of a court house therein.

Section 1. Be it enacted by the Legislature of the State of Texas, That the county court of the county of Collin, be and they are hereby authorized to levy a special tax for the years 1860 and 1861, in addition to the county tax now authorized by law, upon the taxable property of said county, not to exceed in any one year the sum of six and one-fourth cents upon each hundred dollars of valuation, which tax shall be levied, collected and returned, the same as other county taxes; and when collected shall be applied to the building of a court house in said county and to no other purpose.

Approved Jan. 7, 1860.

CHAPTER 22.

An Act to relieve A. E. Benham, daughter of J. J. Benham, from the disabilities of minority.

Section 1. Be it enacted by the Legislature of the State of Texas, That A. E. Benham, daughter of J. J. Benham of De-

Witt county, be and she is hereby relieved from the disability of minority, and empowered to contract and do and perform all acts as if she were of full age; and that this act take effect and be in force from and after its passage.

Approved Jan. 9, 1860.

CHAPTER 23.

An Act supplemental to the modified charter of the Aransas Road Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Aransas Road Company shall continue to have rights and privileges as they existed under the first supplement to its charter, and that such privileges of acquisition within the bay shall continue to be pre-emptive until the first of the year eighteen hundred and sixty-four, on condition that the Company shall have made one good leveled road and adjacent to it an improved channel for navigation, of the depth of six feet at ordinary tide, so that thereby the mainland may be connected with the ship channel of Corpus Christi Bayou before the first of the year eighteen hundred and sixty-two, and with the main harbor of Aransas before the first of the year eighteen hundred and sixty-four: Provided, also, that the term last named is allowed for completing each of the turnpikes on the mainland and for improving Aransas Bar so that its depth of water shall be nine feet at ordinary low tide.

Sec. 2. That the Company shall continue to have rights and privileges as they were granted by the second supplement to the charter, with reference to a railroad, on condition that the first twenty-five miles of said road shall be completed, with proper equipments, before the first of the year eighteen hundred and sixty-four; and, on the same condition, with reference to such railroads and its incidents, the Company shall have privileges and liabilities under general laws, as other companies chartered in this State, for building railroads, except as to loans of money; and the capital stock with all legal incidents allowed for said railroad, may be apportioned to different parts of it, and kept separate, in whole or in part, from other stock; and this company may contract with any other that may be appropriately chartered, so that the whole or any part of said railroad, with its

incidents, may be owned by the other company which shall entirely or partially construct the same, as may be necessary, if not previously completed; and the subsequent rights and liabilities of the respective companies shall correspond with such arrangement, when made in conformity with the charters.

Sec. 3. That the capital stock of said Company shall be regarded as personal property.

Sec. 4. That the charter of said Company shall continue for ninety-nine years, unless sooner forfeited, but no longer; and this limitation is a condition of the provisions of this supplement.

Sec. 5. That this act shall be in force from and after its passage.

Approved Jan. 7, 1850.

CHAPTER 24.

An Act to incorporate the Pecos Bridge Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That Jarvis Hubble and such other persons as he may associate with himself, are here hereby incorporated under the name and style of the Pecos Bridge Company, and under such name shall sue and be sued and have succession for thirty years, or twenty-five years after the completion of a bridge over the Pecos River: they may have a corporate seal and the right of holding property, real and personal, for the purpose of carrying out the object of this incorporation, and may transfer, alienate and dispose of their joint or individual interest therein at pleasure.

Sec. 2. That said bridge shall be constructed across the Pecos River at or near the point where the San Antonio and El Paso road crosses said river.

Sec. 3. That said Company shall construct said bridge in a good and substantial manner, within five years from the date of the passage of this act, and keep the same in good repair for the term of twenty-five years from the completion thereof, and be ready at all times to pass all passengers, carriages, wagons, teams and stock, that may wish to cross on said bridge.

Sec. 3. That the said Company shall be responsible for any

accident or detention which may happen to any one so crossing if it be already established that such accident or detention was caused from insufficiency or neglect pertaining to said bridge or Company.

Sec. 5. That said Company shall be entitled to receive from the completion of said bridge, for the term of twenty-five years, the following tolls from all persons who may cross, or whose carriages, wagons and teams or stock may cross on said bridge, viz:

For four-horse stage or wagon, loaded, fifty cents; for a six-mule wagon or cart, loaded, seventy-five cents; for a six-mule wagon or cart, unloaded, fifty cents; for each additional pair of mules attached to said wagon, twenty-five cents; man and horse fifteen cents; footman five cents; cattle five cents per head, hogs, sheep and goats, one cent per head.

Sec. 6. That no other bridge shall be constructed across the said Pecos river for the term of twenty-five years within three miles of the bridge which said Hubble and his associates may construct.

Sec. 7. That this act take effect and be in force from and after its passage.

Approved Jan. 7, 1860.

CHAPTER 25.

An Act to incorporate the Horse Head crossing of the Pecos Bridge Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That A. C. Hyde and such other persons as he may associate with himself, are hereby incorporated under the name and style of the Horse Head crossing of the Pecos Bridge Company, and under such name shall sue and be sued and have succession for thirty years or twenty-five years after the completion of a bridge across the Pecos River; they may have a corporate seal and the right of holding property, real and personal, for the purpose of carrying out the object of this incorporation, and may transfer, alienate and dispose of their joint or individual interest therein at pleasure.

Sec. 2. That said Company shall construct a bridge across

the Pecos River at or near the point where the Overland Mail company crosses said river.

Sec. 3. That said Company shall construct such bridge in a good and substantial manner, within five years from the date of the passage of this act, and shall keep the same in good repair for the term of twenty-five years from the completion thereof, and be ready at all times to pass all passengers, carriages, wagons, teams and stock that may wish to cross on said bridge.

Sec. 4. That the said Company shall be responsible for any accident or detention which may happen to any one so crossing, if it be clearly established that such accident or detention was caused from any insufficiency or neglect pertaining to such bridge or company.

Sec. 5. That said Company shall be entitled to receive from the completion of said bridge, for the term of twenty-five years, the following tolls from all persons who may cross, or whose carriages, wagons and teams or stock may cross on said bridge, viz:

For four-horse stage or wagon, loaded, fifty cents; for a six-mule wagon or cart, loaded, seventy-five cents; for a six-mule wagon or cart unloaded, fifty cents; and for each additional pair of mules attached to said wagon twenty-five cents; for a man and horse fifteen cents; footman five cents; cattle five cents per head; hogs, sheep and goats, one cent per head.

Sec. 6. That no other bridge shall be constructed across the said Pecos River for the term of twenty-five years within three miles of the bridge which said Hyde and his associates may construct.

Sec. 7. That this act take effect and be in force from and after its passage.

Approved Jan. 7, 1860.

CHAPTER 26.

An Act for the relief of John C. P. Kennymore.

Section 1. Be it enacted by the Legislature of the State of Texas, That the duplicate donation warrant No. 455 for six hundred and forty acres of land, issued by James S. Gillett,

Adjutant General, on the thirteenth day of October, 1852, to John C. P. Kennymore, is hereby made valid, and the Commissioner of the General Land Office is hereby authorized and required to patent the same as though said warrant had been approved by the Commissioner of Claims.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved Jan. 7, 1860.

CHAPTER 27.

An Act for the relief of William Phelps.

Section 1. Be it enacted by the Legislature of the State of Texas. That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to William Phelps an unconditional certificate for six hundred and forty acres of land which may be located and patented as other unconditional certificates: Provided, the said William Phelps has never received an unconditional headright certificate; and that this act take effect and be in force from and after its passage.

Approved Jan. 7, 1860.

CHAPTER 28.

An Act for the relief of Wiley Burns, the heirs of Robert McKinney, the widow and heirs of Manuel Ramon, and the heirs of David Barlow.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office is required to issue to Wiley Burns a headright certificate for three hundred and twenty acres of land; to the heirs of Robert McKinney, a headright certificate for one-third of a league, a certificate as a bounty for nine hundred and sixty acres, and a

certificate as a donation for six hundred and forty acres; to the widows and heirs of Manuel Ramon, a certificate for his headright for one league and labor; and to the heirs of David Barlow a certificate as a headright for one-third of a league; Provided, that the said parties, their heirs or assigns, have not heretofore received the quantity of land herein provided for.

Sec. 2. That the Commissioner of the General Land Office is required to patent the certificates herein provided for as in other cases; and that this act take effect and be in force from its passage.

Approved Jan. 7, 1860.

CHAPTER 29.

An Act amendatory of and supplemental to an act entitled an act to incorporate the city of New Braunfels, passed 11th of May, 1846.

Section 1. Be it enacted by the Legislature of the State of Texas, That the third section of the above recited act shall be so amended as hereafter to read as follows, to wit:

The City Council may lay off the city in a suitable number of wards, in a manner that every ward shall be entitled to a certain number of Aldermen, and shall decide upon the places and time of keeping open the polls for election; and that annually an election shall be held for the above named officers, the mayor to appoint presiding officers at least ten days before the expiration of the term of their office, according to the laws concerning elections; that the presiding officers of the election shall make returns of such election to the mayor of the said city, within five days thereafter, which returns shall be opened by the mayor, in the presence of a majority of the City Council, and said mayor shall thereupon issue and deliver a certificate of election to the officers elected. The City Council shall also name, by ballot, annually, in the first session after their election, one Recorder, one Treasurer, one City Marshal and all other subordinate officers.

Sec. 2. The Mayor and Aldermen of said city shall have the same powers, rights and duties, in relation to the roads within the limits of the city, which are now exercised by and

imposed upon the county courts when acting as Road Commissioners.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved Jan. 7, 1860.

CHAPTER 30.

An Act to incorporate the Jefferson Insurance Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That there may be, and is, hereby established, in the town of Jefferson, in the county of Cass in this State, a company for the purpose of transacting a general insurance business, which company shall be called and known by the name of "the Jefferson Insurance Company;" and the stockholders and their successors shall have continuous succession, and by that name shall be capable of suing and being sued in all the courts of this State; of purchasing, holding and conveying property of all descriptions, not to exceed in value twenty-five thousand dollars at any one time; to make, have and use a common seal, and the same to alter and renew at pleasure, and generally to do any act necessary to carry into effect the objects of the corporation, not inconsistent with the laws and the constitution of this State or of the United States.

Sec. 2. That the capital stock of this company shall be one hundred thousand dollars, to be divided into one thousand shares of one hundred dollars each, and the same to be paid in the following manner:

Ten dollars on each share at the time of subscription, the residue at such time as the President and Directors may direct; which said capital stock may hereafter be increased to three hundred thousand dollars by the President and Directors of the Corporation, whenever a majority of the stockholders shall, by vote, so direct. The said stock shall be deemed and held as personal property, and if any stockholder shall neglect and refuse to make the payments as required, his stock may be sold by order of the President and Directors, in such manner as they may think fit to direct; and such stockholder shall be liable for the balance due by him as stockholder, to the corporation, as it

becomes due, and may be sued in the District Court of Cass county in this State for the same.

Sec. 3. That the books of subscription shall be opened in the town of Jefferson, for said shares, under the superintendence of Benjamin J. Terry, Harvey H. Black, John Speake, James M. Murphy, Williamson M. Freeman and Charles N. Stanley, or any three of them; that said books of subscription shall be opened at any time prior to the 1st day of November, 1860, at such place in the said town of Jefferson as the Commissioners or any three of them may direct; advertisement of the time and place of opening such books to be made for one week in a newspaper published in Jefferson, and they shall be kept open until the said sum of one hundred thousand shall be subscribed for, and the said Commissioners or any three of them shall, as soon as may be, after the books of subscription are closed, call a meeting of the stockholders, and shall proceed to the election of not less than three nor more than seven Directors, as may be determined by them, and the said Directors shall elect one of their number President, and the said President and Directors elected in pursuance of this act, shall have full power and authority to make, appoint and remove at pleasure, all officers and agents of said corporation, to fix their compensation, prescribe their duties and provide for the taking of bonds from them for their faithful discharge of their duties, and generally to manage the affairs of said corporation. They shall also have power to fill any vacancy which may occur in their body, and also to appoint a President pro tempore, when the President may be absent from their meetings; and if the President or any Director be absent without leave for five consecutive regular meetings of the Board, a majority of the same may declare his place vacant, and proceed to fill it without notice to such absent President or Director.

Sec. 4. That the Directors of the Corporation shall call an annual meeting of the stockholders to make such election for Directors, who, when so elected, shall hold their offices for the term of one year, or until their successors are elected, and in all meetings of the stockholders those holding a majority of the stock shall constitute a quorum and each stockholder shall be allowed one vote for each share he holds; and the stock may be represented either in person or by proxy, and the power to cast the votes of absent stockholders may be constituted by any written expression of the stockholder so appointing a proxy to vote for him: Provided, that no stockholder who has failed to pay any instalment upon the stock, which has been

called for, shall be permitted to vote at any meeting of the stockholders.

Sec. 5. That said corporation shall have full power to make insurance upon steamboats and all other river crafts, and boats of every kind, and all goods, wares and merchandise, slaves, bullion, money and other property, against all maritime and river risks, and upon houses, stores and other buildings, goods, wares, and merchandise of any description, against loss or damage by fire, and to fix a premium thereon; and it may loan its moneys or other properties to any person or persons on any security it may deem proper: Provided, that nothing in this act shall be so construed as to authorize this corporation to use its moneys or other property in any manner which it may not be lawful for any citizen of this State to do.

Sec. 6. The President and Directors of the Company shall annually or semi-annually divide to the stockholders thereof, so much of the profits of the business of the Company as in their discretion they shall deem safe and proper; which dividends, when declared, shall, in the discretion of the President and Directors, be endorsed on the unpaid stock notes of the party entitled to the dividend, until such notes are paid in full, or may in their discretion be paid to the parties entitled. But no dividend of any of the profits of the Company shall be made at any time unless the capital paid in remain unimpaired.

Sec. 7. So soon as the President and Directors of the Company, shall establish by proof to the satisfaction of the County Court of Cass county, that ten per cent. on one hundred thousand dollars of the capital stock of the corporation has been paid in by the stockholders to the Secretary of the Company, and that the balance or residue of said one hundred thousand dollars of capital stock has been secured to be paid when called for, by the notes of the subscribers to said capital stock well secured by not less than two good and solvent persons, or by mortgage on real estate sufficient to amply secure the same; and also, shall establish to the satisfaction of said County Court, that the direction of said corporation has been organized in conformity with the provisions of this act, then said County Court shall give them a certificate thereof, which shall be their warrant to commence business operations under the authority conferred by this act. And any increase in the capital stock of said Company, beyond said amount of one hundred thousand dollars, shall be by resolution of the stockholders at their regular annual meeting; and the subscription to such increased stock shall be secured as in this section before provided; but the company shall not be allowed to

do business on such increased capital stock until the President and Directors shall have made proof to the satisfaction of said County Court of Cass county, that the per cent. on such increased stock has been paid to the Secretary of the company, and that the residue of the subscriptions to such increased stock have been secured to be paid in the manner as in this section provided, in relation to the first one hundred thousand dollars of stock subscriptions, and said County Court shall have given a certificate thereof to said President and Directors.

Sec. 8. That the President and Directors of said corporation shall have power to fix the places and modes of transfer of certificates of stock, as well as the payment of interests and dividends. That a majority of the Board of Directors shall constitute a quorum for the transaction of business, and that said Board of Directors shall also have power to pass such by-laws as may be necessary to carry this act into effect, to delegate authority to such officer or person as they may deem proper, and to execute or authorize the execution of all such bargains and contracts as may seem to them best for the interest of the corporation.

Sec. 9. That the said corporation shall be responsible to the extent of its property, and the stockholders to the extent of the amount of their respective stock not paid up. In case the company shall fail, refuse or be unable to pay any judgment which may be recovered against the same, the person or persons or corporation interested in said judgment, shall have a right of action against each stockholder thereof, and his, her or their securities on the notes required to be given by the 7th section of this act, until such judgment or judgments are satisfied. And the officers of the company shall, during the month of January of each year, cause a full and accurate statement of the affairs of the company to be made out and published at least one week in some newspaper published in said town of Jefferson, which statement shall be signed and sworn to by the President of the Company.

Sec. 10. That this charter and all the privileges and powers herein granted shall continue in force and effect for the full term of twenty years from the passage of this act, and that the property, funds and business transactions of the corporation shall be subject to the same rate of taxation by law imposed on the property and similar transactions of individuals.

Sec. 11. That it shall not be lawful for any person to subscribe for and hold by means of said subscription more than one-tenth part of the capital stock of said corporation.

Sec. 12. That this act be in force from and after its passage.
Approved Jan. 7, 1860.

CHAPTER 31.

An Act to incorporate the Houston, Trinity and Tyler Railroad Company.

Section 1. Be it enacted by the Legislature of the State of Texas, "That a corporation and body politic be, and the same is hereby created to consist of the President, Directors and Stockholders of an association to be styled the Houston Trinity and Tyler Railroad Company, and William J. Hutchings, T. W. House, C. Ennis, A. Groosbeck, Alexander McGowan, William H. King, Henry Watkins, S. R. Smith, B. T. Selman, B. L. Goodman, Asa Holt, Elam Swan, Thomas Smith, Bede Johnson, Peter J. Willis, William M. Taylor, A. E. McClure, B. J. Terry, John Speak, Daniel Cole, J. C. Kuhn, E. B. Nichols, Julius Kaufman, A. F. James, J. C. Smith, George Ball, Robert Mills, James Sorley, J. S. Collard, A. U. Wright, and W. H. Hart, be, and they are hereby appointed Commissioners to organize said Company, and said Company shall have power in their corporate capacity under the name and style of the Houston Trinity and Tyler Railroad Company, to have succession and a common seal, to make contracts, to sue and be sued, to plead and be impleaded, to grant and receive, to make by-laws, and generally to do and perform all such acts and things proper and necessary to be done, to carry into effect the objects and consummate the ends of this Incorporation, and the maintenance of the rights accruing under or connected with it, if not inconsistent with the laws of this State."

Sec. 2. That said corporation is hereby invested with the right to locate, construct, own and maintain a railway, commencing at or near the city of Houston, in the county of Harris, and running thence northwardly by the nearest and most eligible route, to the town of Tyler in Smyth county, thence to Texarkana in Bowie county, via Gilmer, in Upshur county, and Jefferson in Cass county.

Sec. 3. Said company shall connect its road at or near the

city of Houston, with the railway of the Galveston, Houston and Henderson Railroad Company, and shall commence the construction of its road at such point of connection. And said Company is hereby authorized to purchase the railway and right of way of said Galveston, Houston and Henderson Railroad Company, from the city of Houston to the city of Galveston, in case it can hereafter do so at private sale, such purchase shall be made by said Company, then this charter shall, immediately upon the happening of such an event, extend over such road-bed and right of way, so purchased, as fully and completely and to the same extent, as though this charter were now granted over the same, and said portion of railroad had been built by said Company under the provisions of this charter, and thereupon said portion of the railway so purchased, shall become and continue a portion of the railway of said company.

Sec. 4. That the capital stock of said Company shall be five millions of dollars, divided into shares of one hundred dollars each, and each shall entitle the owner thereof to one vote in person or by written proxy at all meetings of the stockholders; and the shares shall be deemed personal property, and shall be transferred only on the book of the company by the person owning the same or by his legally constituted agent or attorney; such stock shall be at all times holden by the company for any dues from the owner thereof to the company, or for any sums that may hereafter become due on any contract made with such company prior to such transfer.

Sec. 5. That the Commissioners named in the first section of this act, or a majority of them shall, so soon as convenient, cause books to be opened for subscription to the capital stock of said company in the towns of Houston, Montgomery, Huntsville, Crockett and Tyler, which books shall be kept open, for such time as said Commissioners may direct, and until two hundred and fifty thousand dollars of the capital stock may be subscribed. Due notice shall be given of the opening of said books by the company, by publication in two or more newspapers published in the vicinity of the line of said road. And when said two hundred and fifty thousand dollars of the capital stock may be subscribed, the Commissioners shall cause a meeting of the subscribers to organize said company as hereinafter directed; and any agreement in writing by which any person shall become a subscriber to the capital stock of said company, may be enforced against him according to its terms; and if any person fails to pay the amount due by him to said company for shares

in said capital stock, according to the terms of his subscription after the organization of said company, the Directors or their duly authorized agents, may sell at auction after thirty days notice, and transfer to the purchaser, the shares of the delinquent, and if the proceeds of the sale shall not be sufficient to pay the amount then due on said subscription, with interest and charges, said delinquent subscriber shall be held liable to the company for the deficiency due on such subscription, and if the proceeds of any such sale should exceed the amount so due, with interest and charges, said delinquent shall be entitled to the surplus.

Sec. 6. The immediate government and direction of the affairs of said Company, shall be vested in a board of not more than eleven Directors, who shall elect one of their number President of said Company. No person shall be eligible to the office of Director unless he be owner of at least ten shares of the stock of said Company. The Directors shall be elected annually by the stockholders of said Company; each being entitled to one vote for every share he may own. The first election to take place within one year of the passage of this act, at such time and place as the persons named in the first section of this act, or a majority of them, may determine; provided, however, it may be within the State of Texas, and provided further, that at least two-thirds of said Directory shall be citizens of the State of Texas; and should a vacancy occur in said Directors, by death, resignation or otherwise, the vacancy or vacancies may be filled by the residue of said Directors for the unexpired term; and, should the stockholders for any cause, fail to hold an election at any regular period, those in office shall continue Directors until a regular election. It shall be the duty of the Directors to appoint a Secretary and a Treasurer to prescribe the duties, and require of them bonds for the faithful discharge of the same. They shall keep or cause to be kept a record of all their proceedings, and an account of the receipts and expenditures of said Company, and all such other books necessary and proper to be kept by said Company, and shall be open at all reasonable hours for the inspection of any person interested in said Company. A majority of the Board of Directors shall have authority of a full Board, all the conveyances and contracts in writing executed by the President and countersigned by the Directors, shall be valid and binding, if made under authority of this act. Said Company shall keep their office on the line of said road, and report annually to the Governor of the State, the

condition of said Company, under the oath of the President, Secretary and Engineer of the same.

Sec. 7. That no debts or liabilities contracted, or losses sustained by said Company, shall be binding individually upon the stockholders for any sum exceeding the amount of their respective shares.

Sec. 8. There is hereby granted to said Company, the right of way over any of the public lands, roads or highways necessary for the construction of said road, and said Company may purchase or otherwise obtain from the owners, the right of way over lands through which the road may run, as well as all lands necessary for the construction of depots and other necessary buildings. And in case said Company can not obtain such right of way, and lands by agreement with the parties holding and owning the same, they shall pay therefor such compensation as shall be determined upon in the manner provided in the following section: provided, that the land so taken for the road-bed shall not exceed two hundred feet in width, and for depots and other buildings, such further width as may be necessary for such other proceedings.

Sec. 9. That any person, when land has been taken as aforesaid without agreement, or satisfactory compensation, may apply to the District Court of the county in which said land lies, for the appointment of Commissioners to assess the value thereof, and said Court shall thereupon appoint three disinterested freeholders of said county, whose duty it shall be to appoint a time and place to hear the applicant and Company, and give them reasonable notice of said time and place, and after being duly sworn and hearing the parties, shall determine the amount of compensation, if any, to which the applicant may be entitled and make a return thereof of their award to the next succeeding term of said Court. If said award is not rejected by said court for sufficient cause, then shown, by one of the parties, it shall be entered as the judgment of the court and the use of said land condemned for the benefit of said Company. In determining the question of compensation, said Commissioners shall be governed by the actual value of the land at the time it was taken, and the benefit or injury done to the other lands and property of the owner, by the establishment of said railway, and if the amount of compensation awarded by said Commissioners shall not exceed the amount offered by said company prior to said application to the court, the applicant shall pay the cost of the proceedings, otherwise the company shall pay the same;

Provided, always, that the provisions of this charter shall in no respect conflict with the general railroad law of this State.

Sec. 10. It shall be the duty of said company, whenever any State or County road, now or hereafter established, shall be crossed by the track of said railway, to make and keep in repair, good and sufficient causeways at such crossings, and in all cases, where any person shall own land on both sides of said railway, and there shall be no other convenient access from one part to the other, such owner shall have the right at all reasonable times to cross the track of said railway.

Sec. 11. That said Commissioners may acquire real estate by gift or purchase, and may appoint agents in such manner as they may think fit, with full authority to receive subscriptions of stock and conveyances of land to said Company, until the time fixed for the first meeting of the stockholders, which authority may then be extended by the directory, elected at said meeting of the stockholders.

Sec. 12. Said Company shall have the right to demand and receive such rates of prices for transportation of freight and passengers, as they may think proper to establish, not exceeding five cents per mile for passengers, and thirty (30) cents per hundred pounds of freight for every hundred miles the same may be carried: Provided, that the Legislature of this State, shall have the right at all times to regulate the price of passage and transportation of freight upon said road, so as not to reduce the same below twelve per cent. interest per annum upon the actual costs of the same, and equipments thereto attached.

Sec. 13. Nothing in this act shall be so construed as to confer banking privileges: provided, however, that said Company shall have power to borrow money on their bonds or notes, at such rates as the President and Directors may deem expedient.

Sec. 14. That said Company shall commence the construction of said road within twelve months from and after the taking effect of this act, and shall have completely graded and ready for the iron, at least twenty-five miles of said road, within two years from the passage of this act, and twenty-five miles additional shall be completed in good running order for every year thereafter.

Sec. 15. That if the track of this Railway shall cross any navigable stream, it shall do it in such way as not to obstruct its navigation.

Sec. 16. That the Stockholders, Board of Directors, or their successors in office, shall not have the power to alienate, sell,

transfer or otherwise dispose of the franchise herein granted, for a consideration.

Sec. 17. That the Stockholders in said Company shall be required to pay in five per cent. upon their stock, on or before the first meeting of said stockholders, as hereinbefore provided, and, shall be required to pay annually thereafter, not less than ten per cent. on the amount of their stock in said Company, and any stockholder failing or refusing to pay the amount annually assessed on his or their stock within sixty days after the time named for such payment, such stockholder shall not be entitled to hold the office of Director, to vote in favor of such stock, or to draw any dividend on account thereof, so long as the installments called for remain unpaid or unsold, as provided for in section fifth (5) of this act.

Sec. 18. The first meeting of the Commissioners associated by this act shall be held in the town of Huntsville, at such time hereafter, as the majority of said Commissioners may designate.

Sec. 19. That there be extended to this Company all the grants, provisions, immunities and privileges of an act entitled "an act to encourage the construction of Railroads in Texas by donations of lands, approved January 30th, 1854, and all the grants, provisions and privileges of an act entitled "an act to provide for the investment of the Special School Fund in the bonds of Railroad Companies incorporated by this State," passed August 13th, 1856, in conformity to the provisions of said laws, and such other general laws of this State on the subject, as are now or may hereafter be in force. That this charter is granted, subject to all the provisions of the general Railroad Laws as they now exist, or as they may be hereafter altered or amended.

Sec. 20. That this act of Incorporation shall continue ninety-nine years, unless sooner forfeited or repealed.

Sec. 21. That said Company shall be entitled to all the grants, rights, privileges and immunities of an act to encourage the construction of Railroads in Texas by donations of land, approved January 30th, 1854.

Sec. 22. That the proviso in the 12th section of the above mentioned act, which limits the benefits of the same to Companies which shall construct and complete at least twenty-five miles of the road contemplated by their charters, respectively, within two years after the passage of said act, shall not apply to the Company chartered by this act.

Sec. 23. That said Company shall be entitled to all the rights, grants, privileges, benefits and immunities of an act

entitled "an act to provide for the investment of the Special School Fund in the bonds of Railroad Companies, incorporated by this State, approved August 13th, 1856."

Sec. 24. That the restriction in the act amendatory of the 3rd Section of the last mentioned act, passed August 26, 1856, which confines the benefits of said act, to companies heretofore chartered, shall not apply to the Company chartered by this act.

Sec. 25. That nothing contained in the four preceding sections shall be so construed, as to exempt said Company from complying with any of the conditions prescribed by said general acts for the benefits of Railroad Companies in this State.

Approved January 7th, 1860.

CHAPTER 32.

An Act to Incorporate the Eastern Texas Railroad Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That there is hereby created a body corporate and politic to be styled "The Eastern Texas Railroad Company." Said Company shall be capable in law and equity to sue, and be sued, plead and be impleaded, answer and be answered unto in any and all courts whatever, to make and use a common seal, and the same to alter or change at pleasure, and shall be and are hereby authorized and empowered to make contracts, and make and enforce the necessary by-laws, rules and regulations, to enable them to carry into effect the provisions of this act, and the objects contemplated by the same, and in accordance with the constitution of the State of Texas.

Sec. 2. That said Company be and are hereby invested with the, right of locating, constructing, owning and maintaining a railway, commencing at some convenient point on Sabine Pass, in the county of Jefferson, and thence running along the line of the road graded by John Stamps, Charles H. Alexander and Samuel H. Witmer, or which may be graded up to the time of the organization of said corporation or body politic, under the subsequent provisions of this act; thence in a northerly direction, east of the Trinity river, by such line and such course as the Company may determine, to some suitable point in the county of Grayson, the said line to run through the counties of Jefferson, Hardin, Tyler, Angelina, Nacogdoches, Rusk and Smith, and through or

within a half mile of the towns of Woodville, Nacogdoches, Henderson and Tyler, by such course and line as the Company may deem most advisable for the interest of the Company and the speedy completion of the line of Railroad.

Sec. 3. That John Stamps, Charles H. Alexander, Samuel H. Witmer, Henry W. Raguet, Matthew D. Ector, William Steadman, R. R. Neyland, J. H. Muckelroy, H. W. Bendy and Wm. Davenport, are hereby appointed commissioners, and invested with the power and authority to organize said Company in accordance with the provisions of this act, and in order that the work now in progress may not be delayed, the said John Stamps, Charles H. Alexander and Samuel H. Witmer, who have graded thirty and a half miles of said road, and are at work on said route, constructing the second section of said road, are hereby vested with power and authority to continue said construction in accordance with the provisions of this Charter, until the organization of said Company by the commissioners above named; which organization shall take place within three months, or as soon after as three hundred thousand dollars of the capital stock is subscribed as can be conveniently done by the commissioners complying with the subsequent provisions of said act; provided, that in case three hundred thousand dollars of the capital stock of said company is not subscribed within six months after the passage of this act, then the powers and authority conferred on John Stamps, Charles H. Alexander and Samuel H. Witmer, to continue said construction, shall cease and determine.

Sec. 4. That the commissioners named in the preceding section shall so soon as convenient cause Books to be opened for subscription to the capital of said Company, at the towns of Sabine Pass, Woodville, Nacogdoches, Henderson, and Tyler, which books shall be kept open for such time as said Commissioners may direct, and until three hundred thousand dollars of the capital stock is or may be subscribed. Due notice shall be given of the opening of said books by the Commissioners by publication in one or more newspapers published in the vicinity of the line of said Railroad.

The following shall be the mode of subscribing for said stock, written in said books: "The undersigned promise to pay the sum of One Hundred Dollars for each share of stock set opposite to our respective names, in such manner and proportions and at such times as the President and Directors of the "Eastern Texas Railroad Company" may direct. Witness our hands this [insert day, month and year.]" The subscribers at the time of subscription shall pay to the Commissioners five per cent. on each

share subscribed. When three hundred thousand dollars of the capital stock may be subscribed, the Commissioners may close the Books, and call a meeting of the subscribers to organize said Company as hereinafter directed.

Sec. 5. That the capital stock of said Company shall be Seven Millions Five Hundred Thousand Dollars, divided into seventy-five thousand shares of one hundred dollars each, and each share shall entitle the owner thereof to one vote in person or by written proxy, at all meetings of the stockholders; and the shares shall be deemed personal estate, and shall be transferred only on the Books of the corporation by the person or persons owning the same, or by his or their legally constituted agent or agents, attorney or attorneys, or by their legal representatives, trustees or guardians, and such stock shall be at all times holden by the Corporation for any dues from the owner thereof to the Corporation, or for any sums that may thereafter become due, or any contract made with such Corporation prior to such transfer.

Sec. 6. That the affairs and business of said Company shall be conducted and managed by a Board of Directors, (a majority of whom are to be resident citizens of Texas,) not less than five nor more than nine in number, who shall be elected at the general meeting of the stockholders, to be held annually. They shall hold their offices for the period of twelve months, and until their successors are elected. The time for the first election shall be appointed by the Commissioners named in this act, thirty days notice of which shall be given; and should the stockholders fail annually thereafter to meet and elect directors as aforesaid, the Directors in office shall appoint a day for a special election, giving like notice. No person shall be eligible as a Director, unless he be the owner of ten shares of the capital stock. The said board shall elect a President from their number, fill vacancies, appoint a Treasurer and Secretary and such officers as they may deem necessary, and require security for the faithful performance of their duties; also, to prescribe the time for the payment of installments or assessments, and the amount of such installments or assessments, and to do or cause to be done, all other acts or things which they may deem necessary or proper in conducting the business of said Company, not in contravention of this act nor of the constitution and laws of this State. A majority of said Board of Directors shall constitute a Board for transacting business. Instruments or contracts in writing authorized by the Company, shall be signed by the President and countersigned by the Secretary with the seal of the

Company affixed, and the order or resolution of the Board of Directors, authorizing the instrument or contract in writing, shall be inserted in said instrument or contract. Such instruments or contracts shall not be inconsistent with the general Railroad Law now existing or that may hereafter exist. The said Company shall be bound by the parol contracts made by their authorized agents, acting within the scope of the authority conferred by resolution of the stockholders or Directors.

Sec. 7. That prior to the time specified for the organization of said Company, John Stamps, Charles H. Alexander and Samuel H. Witmer, may appoint one arbitrator, and a majority of the other Commissioners shall appoint another. The said arbitrators shall be experienced engineers, and shall in case of their disagreement, together select another experienced engineer as an umpire, and shall proceed to examine the grading and other work done on said road, by said John Stamps, Charles H. Alexander and Samuel H. Witmer, and such property and materials as they have employed, and for the use of and construction of said road; and shall estimate as nearly as they can, ascertain the then present real value of the same, for the uses of the Company hereby incorporated, and shall thereupon report their estimate of the value thereof to the Commissioners in writing, who shall exhibit the same to the subscribers when they meet to organize said Company, that before the election of Directors, any subscriber who may be dissatisfied with the allowance, shall be at liberty to withdraw his subscription, and the amounts paid by him to the Commissioners, shall be by them refunded to such dissenting subscriber; and the remaining subscribers, provided they represent three hundred thousand dollars of the capital stock of said Company, shall proceed to the election of not less than five and not more than nine directors. The directors shall elect their President and the board shall appoint all necessary officers; and the Board when so organized shall enter on the books of the Company, a credit in favor of the said John Stamps, of one-fourth, and to said Charles H. Alexander and Samuel H. Witmer, equally the remaining three-fourths of the sum awarded to them as aforesaid, less five per cent. on the amount of stock subscribed for by the them severally. That no one shall be elected director who is not the owner of ten shares of the capital stock of said Company. That the meeting to organize said Company shall be held in the town of Woodville in Tyler county; thirty days notice of the time of meeting for the organization shall be published in some newspaper published in one of the counties through which the road is designed

to pass. So soon as the Company is organized, the several Commissioners shall pay over to the President and directors of the "Eastern Texas Railroad Company," all and every amount received for and on account of stock subscribed. When so organized the President and Board of Directors, shall have power to open the Books, for further subscriptions, and to keep them open until the whole amount of the capital stock is subscribed. That each new subscriber for stock, at the time of his subscription, shall pay an amount on each share equal to the several installments paid in by prior subscribers to stock of said Company. That said Board of Directors may issue certificates of stock at its par value, in payment of any debts contracted for the construction and equipment of said road.

Sec. 8. That said Corporation shall have power to call for such portions of stock subscribed, for, not exceeding twenty-five per cent., every six months, as they may think proper, to be paid at such time and place on the line of said Railroad as they may designate, by giving sixty days notice thereof in some newspaper near the said road, or by giving to the stockholders written notices, in which notices shall be specified the amount called for and demanded on each share, and the time and place of payment; and if any stockholder shall, fail, neglect or refuse to pay the amount so called for on his, her or their stock, within sixty days after the time named for such payment in said notice, no such stockholder shall be entitled to vote in virtue of said shares or to draw any dividend on account thereof, so long as the installment called for remain unpaid.

Sec. 9. That said Company shall have power to borrow money on their bonds or notes at such rates as the President and Directors may deem expedient: Provided, however, that nothing in this act shall be so construed, as to confer banking privileges of any kind.

Sec. 10. That it shall be the duty of said Company, whenever any State or County road now or hereafter established shall be crossed by said Railroad, to make and keep in repair good and sufficient causeways at such crossings, and in all cases where any persons shall own land on both sides of the Railway, and there shall be no other convenient access from one point to the other, such owner shall have the right of passage, free of cost, at all reasonable times crossing said Railway; and if said Railway shall cross any navigable stream, it shall not interfere with the navigation of the same.

Sec. 11. That said Corporation shall have the right to charge and receive such rates and prices for transportation of passengers

and freights as shall not to exceed five cents per mile for passengers and for freights, not exceeding fifty cents per hundred pounds for every hundred miles the same may be carried.

Sec. 12. That it shall be lawful for said Company to enter upon, and hold, for the purposes of locating, constructing and maintaining said railway, and as a right of way, any of the public domain through which said road may pass, not to exceed two hundred feet in width, and so much in addition thereto, at the proper points on the line of said road, as may be necessary for depots and other public buildings, and any other lands or lots—the property of individuals—through which said road may pass, may be entered upon, taken possession of, and hold the right of way for the purposes herein specified by said Company, in the manner provided for in this act; and that said Company, before entering upon and taking possession of land, (except public land,) for the purposes specified in the next preceding sections, shall agree with, and pay the owner thereof the value of the real estate thus taken, together with the value of any other property that may be taken or destroyed by the seizure of said land, and together with the damages that may be done to the real estate or property of the owner of the land thus taken possession of by said Company. Provided, that if said company, and owner or owners cannot agree upon said value and damages, then said Company shall propose to pay a specified sum; if that is not accepted, it shall be the duty of said company to state, in writing, the real estate and property sought to be condemned, the name of the owner, and the object for which the same is sought to be condemned, and file the same with the Chief Justice of the county in which said property is situated and thereupon the Chief Justice shall appoint three disinterested freeholders of said county, as special commissioners, to assess said value or damages, giving preference to those that may be agreed upon between said Company and said owner, and it shall be the duty of said commissioners, when sworn by the Chief Justice, to assess said value and damages, taking as the rule of assessment the actual value of the property so condemned, together with the damages done the real estate and property of said owner, by the running of said railroad, and by the condemning of said real estate and property for the use aforesaid; and the said commissioners shall proceed thus: They shall appoint a day and place, at the earliest practical period, for hearing said parties; they shall, on the day, and at the place appointed, fully hear said parties; they shall, if they choose, examine the land and property sought to be condemned, and then, under oath,

assess by the rule before mentioned, the said value and damages, it being the duty of said Company to give to the owner five days written notice, before the sitting of said commissioners. Provided that either party, if dissatisfied with the decision of the commissioners, shall have the right to file a petition in the District Court, as in ordinary cases, and the judgment rendered in the District Court shall determine the value of the land, and the damages sustained by the owner of said land, which sum shall be paid by the Company.

Sec. 13. That if said commissioners, in a proceeding before them as provided for in the next preceding section, shall adjudge the company to pay greater damages for the land taken, and the injuries resulting therefrom, then the specified sum offered, the said company shall pay all costs, and the same rule shall determine the cost in the District Court, or before the said commissioners, but should said owners recover the same or a less amount of damages than was offered by the Company, then he or she shall pay all the costs.

Sec. 14. That said Company shall be entitled to all the grants, rights, privileges, benefits and immunities of an act, to encourage the construction of Railroads in Texas by donations of land, approved January 30th, 1854. While said act continues in force, subject to the conditions and requirements contained therein, and in any other general laws of the State, except as hereinafter provided.

Sec. 15. That the proviso in the 12th Section of the above mentioned act, which limits the benefits of the same, to companies which shall construct and complete at least twenty-five miles of the road contemplated by their charters respectively within two years after the passage of said act, shall not apply to the Company chartered by this act.

Sec. 16. That said Company shall be entitled to all the rights, grants, privileges, benefits and immunities of an act entitled "an act to provide for the investment of the special school Fund in the bonds of the Railroad companies incorporated by this State, approved August 13th, 1856," subject to the conditions and requirements of said act, and of all other general laws of this State, except as hereinafter provided.

Sec. 17. That the restrictions in the act amendatory of the 3rd Section of the last mentioned act passed August 26th, 1856, which confines the benefits of said act of companies "heretofore chartered" shall not apply to the Company chartered by this act.

Sec. 18. That nothing contained in the four preceding Sec-

tions shall be so construed as to exempt said company from complying with any of the conditions prescribed by said general act, for the benefit of Railroad companies in this State.

Sec. 19. That said Company shall have completed, equipped and in good running order at least fifty miles of their road within two years after the first of July next, and fifty miles additional every subsequent two years, otherwise they shall not receive the benefits of the general laws before mentioned for the encouragement of the construction of Railroads, and for the investment of the school fund. And if the said Company shall fail to construct the first fifty miles within the time above required, then this charter shall be forfeited, and provided that the power herein granted to the said Commissioners to organize said company shall cease and determine at the expiration of six months from the passage of this act.

Sec. 20. Any railroad company hereafter incorporated to construct a railway from Bolivar Point, or from or by Smith's Point shall have the right to connect with the Railway of the company hereby incorporated, with the benefit of all general or special laws for the encouragement of Railroads as fully as this Company may have by its charter or by any general law of this State.

Sec. 21. That the stockholders in the said Corporation shall be liable in a just ratio or proportion to the amount of their stock held or subscribed for, for all debts incurred or created during their said ownership of said stock to the full amount of stock subscribed by such persons, and in case of a sale or transfer of said stock from the original subscription, it shall not release an original subscriber in his just proportion for any debt or debts incurred or created during his, or her, or their possession of said stock.

Sec. 22. That said corporation may receive by gift, or grant, or bequest made in writing by any persons capable in law of contracting, made in consideration of such location of said road and for the benefit of said corporation, lands, money, labor or any kind of materials or other property and all such gifts and grants shall be binding, and the said corporation shall have their action at law or in equity to compel a compliance therewith, provided that no such contracts, relinquishments, gifts, grants, or bequests shall be binding, unless the same be in writing and signed by the party making the same.

Sec. 23. That this act of incorporation shall continue ninety-nine years, unless sooner forfeited or repealed and that this act take effect and be in force from and after its passage.

CHAPTER 33.

An act to amend an act entitled "an act to incorporate the Indianola Railroad Company," approved 21st January, 1858.

Section 1. Be it enacted by the Legislature of the State of Texas, That the fifteenth section of an act entitled "an act to incorporate the Indianola Railroad Company, approved 21st January, 1858, be, and the same is hereby amended so that it shall hereafter read as follows:

"Section 15. The said Company shall commence the construction of their road on or before the first day of January, 1860, and shall complete the same to connect with the said San Antonio and Mexican Gulf Railroad, within one year after the said San Antonio and Mexican Gulf Railroad shall have been completed to the town of Victoria, or a point opposite the said town; otherwise, the rights and franchises herein granted shall be forever forfeited; and the said Indianola Railroad Company shall commence and complete twenty-five miles of their road annually after the San Antonio and Mexican Gulf Railroad shall have completed their road to the point opposite to that where it shall cross the Guadalupe river; otherwise, they shall forfeit their rights to construct said road over that portion of their route on which they shall have failed to construct their road as aforesaid. Provided, that if any other railroad company or companies shall make a complete connection, between the coast or navigable waters of the gulf of Mexico, and the city of Austin, and shall put under contract a section of railroad beyond the city of Austin in the direction of the route of the Indianola Railroad Company, before the Indianola Railroad shall be completed to the city of Austin, then and in that case, the said Indianola Railroad Company, shall forfeit all right to continue the construction of their road beyond the city of Austin."

Sec. 2. That the seventeenth section of the above named act be, and it is hereby amended so that it shall hereafter read as follows:

"Section 17. This Company shall be entitled to receive such donations of land as are provided, for the encouragement of Internal Improvements by any general law of this State, upon the terms and conditions in such laws prescribed: Provided, that the said company shall receive such land donations as are so provided, whenever within the time required by this act they shall have completed in such manner as required by law, their road to its connection with the San Antonio and Mexican Gulf Railroad—the San Antonio and Mexican Gulf Rail-

road being first completed according to the requirements of said laws for a distance of at least twenty-five miles."

Sec. 3. That the directors and stockholders of said Indianola Railroad Company be, and they are hereby authorized to contract with the stockholders and directors of the San Antonio and Mexican Gulf Railroad Company, for the sale and conveyance to the said San Antonio and Mexican Gulf Railroad Company, of any portion of their road-bed, or for the construction and equipment of any part of said Indianola Railroad; and, in case of such contract with the consent of the stockholders and directors of said companies, acting as in other cases of contracts, such portion of said road and road-bed shall become a part of the San Antonio and Mexican Gulf Railroad, and shall be owned, used and regulated by the said San Antonio and Mexican Gulf Railroad Company in accordance with the provisions of the charter of said Company: Provided, that this act shall not be so construed as to allow more than sixteen sections of land per mile for every mile of road actually constructed: provided, that unless there shall be an additional amount of stock taken of at least six hundred thousand dollars, with five per cent. thereof paid up, on or before the first day of January, A. D. 1862, then the said Company shall forfeit all right to extend their road beyond the town of Gonzales.

Sec. 4. That this act take effect and be in force from and after its passage.

CHAPTER 34.

An Act to extend the provisions of "an act to provide for the incorporation of towns and cities," to the towns of Jasper, in Jasper county, Danville, in Montgomery county, and Mt. Enterprise, in Rusk county.

Section 1. Be it enacted by the Legislature of the State of Texas, That the provisions of an act entitled "an act to provide for the incorporation of towns and cities" be, and the same are hereby extended to the towns of Jasper, in Jasper county, Danville, in Montgomery county and Mt. Enterprise, in Rusk county; and that this act take effect from and after its passage.

CHAPTER 35.

An Act to authorize and require the clerks of the District Courts of Cherokee, Smith, Anderson, Panola and Angelina counties, to apportion the causes on the docket of said Courts.

Section 1. Be it enacted by the Legislature of the State of Texas, That before the commencement of each and every term of the District Courts of the counties of Cherokee, Smith, Anderson, Panola and Angelina, the District Clerks of said Courts shall apportion the causes on the docket to so many days and in such numbers to each day, as may be deemed most expedient, and no cause shall be taken up (except by consent of parties) for trial or hearing at a day previous to that for which it may be set; and they shall issue the subpoenas for witnesses to attend on the days on which the causes stand for trial; and no witness shall be bound to attend in any cause unless specially summoned to each term, and it shall be the duties of the clerks to keep a regular subpoena docket, and to issue subpoenas before every term of the Courts for all the witnesses in every case.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved 14th January, 1860.

CHAPTER 36.

An Act for the relief of James Jennings.

Section 1. Be it enacted by the Legislature of the State of Texas, That certificate No. 70, issued to James Jennings by the county court of Grayson county, for 640 acres of land, on the 12th day of March, 1856, be, and the same is hereby declared valid, and the Commissioner of the General Land Office is required to patent the land surveyed by virtue of said certificate as other Peters' colony lands are patented.

Sec. 2. That this act be in force and take effect from its passage.

CHAPTER 37.

An Act for the relief of Lewis David.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to Lewis David, a headright certificate for one league of land.

Sec. 2. And that this act take effect from and after its passage.
Approved January 19th, 1860.

CHAPTER 38.

An Act for the relief of G. B. Brownrigg.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Comptroller and Acting Commissioner of Claims be, and he is hereby authorized and required to issue to George B. Brownrigg, a certificate for one league of land, which may be surveyed, located and patented as other first class headrights, his paying the government fees: Provided, that the party has never had any certificate for the same.

Sec. 2. That this act take effect from and after its passage.
Approved 20th January, 1860.

CHAPTER 39.

An Act granting a pension to Joseph E. Field.

Whereas, Joseph E. Field, a soldier of the revolution who assisted in the reduction of Bexar, was with Col. Fannin, and captured with him, and was saved from the massacre at Goliad solely that his professional services as a surgeon might be available to the Mexicans—has now in his old age been reduced to poverty, and is subject to infirm health; Therefore,

Section 1. Be it enacted by the Legislature of the State of Texas, That an annual pension of two hundred dollars (\$200 00) for and during the term of his natural life, be granted to the said

Joseph E. Field; payable, (one hundred dollars) on the first day of January and July, respectively, in each and every year, to commence on the first day of January, 1860.

Sec. 2. That the money thus granted to said Field, shall in no event be held liable for any debts or pecuniary responsibilities heretofore incurred, or that may hereafter be incurred by him.

Approved 21st January, 1860.

CHAPTER 40.

An Act for the relief of the heirs of David M. Shropshire, deceased.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby required to issue to the heirs of David M. Shropshire, deceased, an unconditional certificate for six hundred and forty acres of land, to which they are entitled by virtue of a conditional certificate issued to the said David M. Shropshire by the Board of Land Commissioners of Nacogdoches county, on the 1st day of July, 1837, and numbered 130: Provided, he has not heretofore obtained one.

Sec. 2. That this act take effect from and after its passage.

Approved 21st January, 1860.

CHAPTER 41.

An Act for the relief of George W. King and H. C. Lazenby.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Comptroller be authorized and required to issue a warrant upon the Treasurer requiring him to pay to George W. King, one thousand dollars out of any monies in the Treasury not otherwise appropriated, and the Treasurer be authorized and required to pay said H. C. Lazenby, one thousand dollars on the warrant of the Comptroller authorized by previous act of this Legislature, and the sum of two thou-

sand dollars is hereby appropriated out of any money in the Treasury not otherwise appropriated, and that this act take effect from and after its passage.

Approved 25th January, 1860.

CHAPTER 42.

An Act for the relief of H. C. Lazenby.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Comptroller be, and he is hereby authorized to draw his warrant on the State Treasurer in favor of H. C. Lazenby, for the sum of one thousand dollars; and that this act take effect from and after its passage.

Passed January 26th, 1860.

CHAPTER 43.

An Act to incorporate Alamo College.

Section 1. Be it enacted by the Legislature of the State of Texas, That Jesse Boring, James Vance, John W. Devillis, Ivy H. Cox, John Sutherland, Joseph Cross, James C. Wilson, August Engel, S. C. Thompson, G. W. Kendall, J. T. Perryman, R. W. Braham, G. W. Harper, Asa Mitchell, Thomas J. Divine, L. M. Lyle, John D. Pitts, Sidney E. Collins, John H. Lyons, M. A. Long, John A. Wilcox, R. J. Jones, Thomas Doss, G. Schleicher and Preston B. Hobbs, Trustees of the Alamo College, located in the city of San Antonio, Bexar county, in the State of Texas, be, and are hereby created a body corporate, under the name and style of the Board of Trustees of the Alamo College; and by that name shall have succession, and be capable in law, to sue and be sued, plead and be impleaded, to enact by-laws, rules and regulations; to have, hold and enjoy all property of whatsoever kind, that may be granted by donation, bequest or otherwise, for the benefit of said institution; to convert said property into money and dispose of the same; and it shall have a common seal for the transaction of its business.

Sec. 2. That the Alamo College shall be under the control and supervision of the Rio Grande Conference of the Methodist Episcopal Church, South; and the Board of Trustees shall have power to fill all vacancies that shall occur therein, subject to the ratification by the succeeding Conference; and a less number than nine shall not be a quorum to do business; nor shall the whole number of Trustees consist at any time of more than twenty-five, a majority of whom must be present in person, or by proxy to fill a vacancy.

Sec. 3. That the Board of Trustees shall annually present to the Conference a written report of the financial condition of said College, the by-laws and regulations adopted by the Trustees, the number of Professors and Teachers, and the number of pupils in attendance during the year.

Sec. 4. That the Board of Trustees shall have the power, upon the recommendation of the Faculty, to confer degrees in the arts and sciences upon the graduates of said College, and upon such other persons as they may deem worthy, and to give diplomas of the same, signed by the President and Faculty of the College, and by the President of the Board of Trustees.

Sec. 5. That said College shall not hold over two hundred and fifty thousand dollars worth of property, and the funds belonging, or in anywise appertaining to said College shall not be divested from the objects for which the same were given, and all donations and bequests to said College shall be good and binding although the corporate name thereof may not have been properly stated by the person making such bequests or donation.

Sec. 6. That his act take effect from and after its passage, and shall continue in force for fifty years.

Approved January 25th, 1860.

CHAPTER 44.

An Act to incorporate the San Antonio Female College.

Section 1. Be it enacted by the Legislature of the State of Texas, That Robert Belvin, James W. Cooley, John L. Harper, D. W. Fly, Asbury Davidson, John W. Kenny, Jesse Borning, Joseph Cross, James Vance, Frederick Vordenbinem, Samuel A. Maverick, O. B. Adams, R. A. Henson, J. T.

Perryman, R. W. Braham, A. G. Goodloe, Tignal Jones, Thos. H. Duggan, I. A. Paschal, Samuel Newton, Peter C. Wood, Thomas M. Kerr, Asa Mitchell, John B. Brown and J. H. Lyons, Trustees of the San Antonio Female College, located in San Antonio, Bexar county, in the State of Texas, be, and are hereby created a body corporate, under the name and style of the Board of Trustees of the San Antonio Female College, and by that name shall have succession, and be capable in law to sue and be sued, plead and be impleaded; to enact by-laws, rules and regulations; to have, hold and enjoy all property of whatsoever kind, that may be granted by donation, bequest or otherwise, for the benefit of said Institution; to convert said property into money and dispose of the same; and it shall have a common seal for the transaction of its business.

Sec. 2. That the San Antonio Female College shall be under the control and supervision of the Rio Grande Conference of the Methodist Episcopal Church, South; and the board of Trustees shall have power to fill all vacancies that shall occur therein subject to the ratification of the succeeding Conference; and a less number than nine shall not be a quorum to do business; nor shall the whole number of Trustees consist at any time of more than twenty-five, a majority of whom must be present in person or by proxy to fill a vacancy.

Sec. 3. That the Board of Trustees shall annually present to the Conference, a written report of the financial condition of said College, the by-laws and regulations adopted by the Trustees, the number of Professors and Teachers, and the number of pupils in attendance during the year.

Sec. 4. That the Board of Trustees shall have the power, upon the recommendation of the Faculty, to confer degrees in the arts and sciences upon the graduates of said College, and upon such other persons as they may deem worthy, and to give diplomas of the same, by the President and Faculty of the College, and by the President of the Board of Trustees.

Sec. 5. That said College shall not hold over two hundred and fifty thousand dollars worth of property; and the funds belonging or in any wise appertaining to said College shall not be directed from the object for which the same were given, and all donations and bequests to said College shall be good and binding, although the corporate name thereof may not have been properly stated by the person making such bequest or donation.

Sec. 6. That this act take effect from and after its passage, and shall continue in force fifty years.

Approved January 25th, 1860.

CHAPTER 45.

An Act to empower the Mayor, Aldermen and inhabitants of the city of Galveston to issue bonds for the construction of a bridge from the Island of Galveston to the main land, in aid of the Galveston, Houston and Henderson Railroad, and to validate the bonds by them issued or to be issued for such purposes, and to impose a special tax to pay the interest on said bonds, and to provide a fund to meet said bonds when due; and to repeal the act of the like title, approved December 9th, 1859.

Whereas, at a special election held in the city of Galveston, on the 19th May, 1857, the people of said city did almost unanimously vote for the creation of a debt of said city to the amount of one hundred thousand dollars, for the purpose of constructing a bridge from Galveston Island to Virginia Point on the main land, in aid of the Galveston, Houston and Henderson Railroad; and Whereas, in pursuance of said expressed wish of the people of said city, the corporate authorities of said city did pass and approve an ordinance on the 26th day of August, 1857, authorizing a contract for the construction of said bridge. Section 5th of which said ordinance is as follows:

Section 5. That it shall be the duty of the Mayor, whenever after a contract shall be entered into for the construction of the aforesaid work, it shall be in his opinion, or that of the City Council, requisite and necessary to do so, to issue the bonds of the corporation of this city, to the extent of one hundred thousand dollars, or as much thereof as may be necessary for the construction of said bridge, and cause the same to be negotiated in such manner, and by such means as he may deem most conducive to the interests of the city, the said bonds to be in sums of not less than one hundred nor more than one thousand dollars, to be payable in not less than twelve, nor more than twenty years from the date thereof, and to bear interest of and at the rate of not more than ten per centum per annum, which interest shall be payable semi-annually on presentation and surrender of the coupons to be thereto attached.

And Whereas, a contract was entered into for the construction of said work in accordance with the provisions of said ordinance, and the Mayor in pursuance of the authority to him given in Section 5th of said ordinance did cause some of the bonds to be issued as specified in said Section, and others have to be issued to pay said work which is near completion, and doubts having arisen as to the validity of said bonds because the same are for

the construction of a work without the corporate limits of said city.

And Whereas, the corporate authorities of said city have requested the passage of a law authorizing and validating the said bonds issued and to be issued. Now therefore,

Section 1. Be it enacted by the Legislature of the State of Texas, That the bonds of the corporation of the city of Galveston issued and to be issued in pursuance of the vote of the people of said city of 19th May, 1857, and the interest coupons of the same be, and the same are hereby declared valid and binding upon the Mayor, Aldermen and inhabitants of the city of Galveston, and that the same are, and shall continue to be valid and subsisting debt of said corporation, and may be sued upon when due, and payment enforced as in case of other legal obligations in any Court having jurisdiction of the amount.

Sec. 2. That the corporate authorities of the city of Galveston shall have, and are hereby invested with the power to impose and assess, as other taxes are collected, a special tax of one fourth of one per centum per annum on all the property, real and personal, not exempt by law from taxation and being in the limits of said city, for the purpose of accruing interest on said lands, and to provide a fund to retire the same when due.

Sec. 3. That this act shall take effect and be in force from and after its passage. And the act approved December 9th, 1859, entitled an act to empower the Mayor, Aldermen and inhabitants of the city of Galveston to issue bonds for the construction of a bridge from the Island of Galveston to the main land, in aid of the Galveston, Houston and Henderson Railroad, and to validate the bonds by them issued or to be issued for that purpose, and to impose a special tax to pay the interest on said bonds, and to provide a fund to meet said bonds when due; is hereby repealed.

Approved 26th January, 1860.

CHAPTER 46.

An Act to authorize the corporation of the town of Corsicana, to levy a tax on ten pin alleys within the limits of said corporation.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Board of Aldermen of the corporation of the

town of Corsicana, or those who may hereafter be elected, shall have authority to levy a tax on each and every ten pin alley in said corporation, not to exceed one thousand dollars per annum, which shall be collected as other taxes that may be levied by said Board of Aldermen. And no person shall keep a ten pin alley within said corporate limits of the town of Corsicana until he shall obtain a certificate from the Treasurer of said corporation that he has paid the taxes so levied by said Board, which said tax may be levied quarterly or annually as said Board may elect, and said Board of Aldermen shall have power to pass laws to enforce the provisions of this act.

Sec. 2. That any alley commonly called a ten pin alley is embraced within the provisions of this act, regardless of the number of pins that may be used on the same.

Sec. 3. That this act take effect from its passage.

Approved 21st January, 1860.

CHAPTER 47.

An Act to prevent the sale of vinous, spirituous or other intoxicating liquors, within one mile of the town of Starrville in Smith county, and the town of Knoxville in Cherokee county.

Section 1. Be it enacted by the Legislature of the State of Texas, That if any person or persons, or either, with or without a license from the County Court of Smith county, or Cherokee county, shall sell or offer for sale, or be anywise concerned in selling spirituous, vinous or other intoxicating liquors, within one mile of the public square in the town of Starrville in Smith county, or the town of Knoxville in Cherokee county, he, she or they, shall be deemed guilty of a misdemeanor, and upon conviction thereof before any Justice of the Peace, shall be fined in any sum not less than fifty nor more than one hundred dollars for every such offense.

Sec. 2. That so much of an act entitled an act to prevent the sale of vinous, spirituous or other intoxicating liquors, within one mile of Jamestown and Starrville in Smith county, passed September 1st, 1856, as relates to the town of Starrville be, and the same are hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved 24th January, 1860.

CHAPTER 48.

An Act to incorporate the Starrville Union Academy.

Section 1. Be it enacted by the Legislature of the State of Texas, That Joshua Starr, R. T. McFarland, W. B. Butler, Howell Myreick, Lewis Stilwell, John Coleman and Robert Lyons, and their successors in office be, and they are hereby constituted a body corporate and politic for educational purposes by the name and style of the Starrville Union Academy, by which name they may sue and be sued, plead and be impleaded, and buy and sell property, real, personal and mixed, for the purpose and object of maintaining an institution of learning in Starrville, in Smith county, Texas.

Sec. 2. That the management of said institution shall be vested in the above named and their successors as a Board of Trustees, and they shall elect one of their own number Chairman of the Board; they shall also elect one Treasurer and one Secretary. The Chairman shall preside at the meetings of said Board, but in his absence a Chairman pro tem may be appointed by said Board. The Treasurer shall be elected for one year, he shall keep a fair record of all monies, notes and papers of value received and paid out by him, paying out the same by order of the Board of Trustees, signed by the President of the Board. He may at any time be removed for a dereliction of duty by a two-thirds vote of the Board of Trustees. The Secretary shall be elected for two years; he shall attend the meetings of the Board of Trustees, and shall keep a fair record of all of its proceedings and resolutions, and also of such by-laws and regulations as may be passed by said Board for the government of the school.

Sec. 3. No money shall be paid out of the Treasury except by the order of the Board of Trustees or a majority of them, signed by the Chairman of the Board. The said Board shall have power to employ or elect one President and as many Professors and teachers in the Academy as the educational interest of the school may require, and they shall assign to all persons so employed their duties respectively, and their salaries. They shall have power to appropriate any money in the Treasury or any that may come into the Treasury by virtue of the school fund, to the payment of the salary of any person employed in the school. The said Board shall have power to enact such by-laws as they may deem necessary for the government of the school, provided the same be not in contravention of the Constitution or laws of this State. The said Board of Trustees shall

have power by a two-third vote of its members, to sell and dispose of any property of the said Academy, except the ground and buildings, books and apparatus occupied and used by the school: Provided, that the proceeds of all such sales shall be applied to advance the educational interest of the Academy.

Sec. 4. That the Faculty shall consist of the President, Professors and Teachers, and shall have power to enforce all laws adopted by the Board of Trustees for the government of the school, by such measures as may be considered reasonable, and shall have power to suspend any student who may knowingly violate the laws, which suspension shall last until the Board of Trustees can be convened, who conjointly with the Faculty shall have power to continue or remit the suspension, they shall also have power to expel disorderly students.

Sec. 5. That the Board of Trustees conjointly with the Faculty shall have power to confer such degrees in the arts and sciences upon any student of the Academy or person thought worthy, as are usually conferred by other Academies and Institutions of similar grade, and to grant certificates thereof signed by the Faculty and Trustees and sealed with the seal of said Academy to authenticate and perpetuate their acts.

Sec. 6. That the Academy shall be competent to receive and hold contributions, gifts, donations and bequests of real and personal property of any kind, and all donations and bequests to said Academy shall be good and binding by the person making such donation or bequest, provided however that said Academy shall not hold property beyond the value of one hundred thousand dollars, the Academy buildings and lot of ground on which they stand excepted.

Sec. 7. That this act take effect and be in force from and after its passage, and continue in force for twenty years and no longer.

Approved 24th January, 1860.

CAAPTER 49.

An Act to be entitled an act to incorporate the Factors Cotton Press Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That George Ball, John Dean, Julius Kauffman, Wil-

liam J. Hutchins John Shackelford, John Sealy, Joseph Brauns and J. H. Hutchings, their associates and successors be, and they are hereby constituted and declared to be a body politic and corporate, under the name and style of Factors Cotton Press Company.

Sec. 2. The said persons, their associates and successors under the name and style aforesaid, shall be capable in law of suing and being sued, pleading and being impleaded, defending and being defended in all courts whatsoever, and may have a common seal and alter the same at pleasure.

Sec. 3. That said persons, their associates and successors, under the corporate name aforesaid, shall have the right to purchase, own and hold real and personal estate in the city and county of Galveston, for the purpose of engaging in and carrying on the business of compressing and storing cotton and manufacturing cotton rope, and such other manufactures as said corporation may desire to carry on. The capital stock not to exceed three hundred thousand dollars, to be divided into shares of such amount, and to be voted upon in such manner as said Company may determine by their by-laws.

Sec. 4. Said persons and their associates may at any time within one year from the passage of this act, organize said corporation by electing out of their number a President, Secretary and Board of Directors, to hold their offices until other officers are appointed under the by-laws of said corporation.

Sec. 5. Said corporation may enact or pass such by-laws and rules for the management of their affairs as are consistent with the Constitution and Laws of the State. And this charter shall continue in force twenty years and no longer.

Sec. 6. That this act take effect and be in force from and after its passage.

Approved 25th January, 1860.

CHAPTER 50.

An Act to amend the first, fifth, seven h, thirteenth and seventeenth sections of an act entitled an act to incorporate the Houston, Trinity and Tyler Railroad Company.

Section 1. Be it enacted by the Legislature of the State of

Texas, That the first section of the above entitled act is hereby amended so that the same shall hereafter read as follows:

"That a corporation and body politic be, and the same is hereby created to consist of the President, Directors and Stockholders of an association to be styled the Houston, Trinity and Tyler Railroad Company, and William J. Hutchings, T. W. House, C. Ennis, A. Groosbeck, Alexander McGowan, William H. King, Henry Watkins, S. R. Smith, B. T. Selman, B. L. Goodman, Asa Holt, Elam Swan, Thomas Smith, Bede Johnson, Peter J. Willis, William M. Taylor, A. E. McClure, B. J. Terry, John Speak, Daniel Cole, J. C. Kuhn, E. B. Nichols, Julius Kauffman, A. F. James, J. C. Smith, George Ball, Robert Mills, James Sorley, J. S. Collard, A. U. Wright and W. H. Hart, be, and they are hereby appointed Commissioners to organize said Company, and said Company shall have power in their corporate capacity under the name and style of the Houston, Trinity and Tyler Railroad Company, to have succession and a common seal, to make contracts, to sue and be sued, to plead and be impleaded, to grant and receive, to make by-laws, and generally to do and perform all such acts and things proper and necessary to be done to carry into effect the objects and consummate the ends of this Incorporation, and the maintenance of the rights accruing under or connected with it, if not inconsistent with the laws of this State."

Sec. 2. That the fifth section of said act is hereby amended so that the same shall hereafter read as follows:

"That the Commissioners named in the first section of this act, or a majority of them shall so soon as convenient, cause books to be opened for subscription to the capital stock of said Company, in the towns of Galveston, Houston, Montgomery, Huntsville, Crockett and Tyler, which books shall be kept open for such time as the Commissioners may direct, and until two hundred and fifty thousand dollars of the capital stock may be subscribed. Due notice shall be given of the opening of said books by the Commissioners by publication in two or more newspapers published in the vicinity of the line of said road, and when said two hundred and fifty thousand dollars of the capital stock may be subscribed, the Commissioners shall cause a meeting of the subscribers to organize said Company as hereinafter directed. And any agreement in writing by which any person shall become a subscriber to the capital stock of said Company may be enforced against him according to its terms, and if any person fails to pay the amount due by him to said Company for shares in said capital stock, according to the terms of his sub-

scription after the organization of said Company, the Directors or their duly authorized Agents, may sell at auction after thirty days notice, and transfer to the purchaser the shares of the delinquent, and if the proceeds of the sale shall not be sufficient to pay the amount then due on said subscription, with interest and charges, said delinquent subscriber shall be held liable to the Company for the deficiency due on such subscription, and if the proceeds of any such sale should exceed the amount so due with interest and charges, said delinquent shall be entitled to the surplus."

Sec. 3. That the seventh section of said act is hereby amended so that the same shall hereafter read as follows:

"That no debts or liabilities contracted, or losses sustained by said Company shall be binding individually upon the stockholders, for any sum exceeding the amount of their respective shares: Provided that the Directors, Officers or Agents of said Company may be held personally liable for their acts, as provided in section four of this act.

Sec. 4. That the thirteenth section of said act is hereby amended so that the same shall hereafter read as follows:

Said Company shall have no power or authority to issue its bonds or to mortgage, hypothecate or in any manner to pledge its corporate property by the creation of a voluntary lien, excepting and provided that the stockholders by a vote of two-thirds of all the stock, may at any regular meeting authorize the issue of its bonds to secure the benefit of an act entitled an act to provide for the investment of the special school fund in the bonds of Railroad Companies incorporated by this State, passed August 13th, 1856, or any act supplemental or amendatory thereof in conformity to the provisions of said acts, and any other lien created or attempted, or purporting to be created shall be utterly and absolutely void; and it is further provided that in case the Directors of said Company, or any officer or agent connected with the construction or repairs of said Railroad, or in the manufacture or purchase of materials, shall make any purchase or contract in behalf of said corporation without ample funds in the Treasury to liquidate the obligation or obligations arising therefrom, together with all previous obligations in behalf of said corporation theretofore incurred and existing, the said Directors officers and agents so participating and engaged in the creation of such obligation, shall be jointly and severally liable personally, for the full amount of such demand at the suit of any person or persons, or corporation to whom the same may be due. In case the Company shall at any time purchase or

acquire the Railway and right of way of the Galveston, Houston and Henderson Railroad Company, from the city of Houston to the city of Galveston, as provided for in the third section of the act to which this is an amendment, thereupon the principal office of the Company shall be established in the city of Galveston, and the Company shall be required thereafter to continue, maintain, run and operate all of said portion of said Railway so purchased or acquired.

Sec. 5. That the seventeenth section of said act is hereby amended so that the same shall hereafter read as follows:

“That the stockholders in said Company shall be required to pay in five per cent. upon their stock subscription on or before the first meeting of said stockholders as herein before provided, and no stockholder shall be entitled to vote upon his stock subscription until the said five per cent. installment has been paid, and shall be required to pay thereafter such assessments, or calls on their stock subscriptions as may be made by order of the Board of Directors of said Company. And any stockholder failing or refusing to pay the amount at any time, so assessed on his or her stock within sixty days after the time named for such payment, such stockholder shall not be entitled to hold the office of Director, to vote in virtue of said stock, or to draw any dividend or account thereof, so long as the installments called for remain unpaid or unsold, as provided for in section third of this act, which is an amendment of the fifth section of said original act.”

Sec. 6. This act and the act to which this is an amendment shall take effect and be in force from and after the first day of March, A. D. 1860.

Approved 25th January, 1860.

CHAPTER 51.

An Act legalizing the Colony certificate of George Gochmann.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Colony certificate issued by the Commissioner of Fisher and Miller's Colony, to George Gochmann, on the 30th day of April, A. D. 1859, for three hundred and twenty acres of land, shall be good and valid, although it has not been reported by the said Commissioner, and that the said certificate may be

located and surveyed on any vacant land in Fisher and Miller's Colony and patented as in other cases.

Sec. 2. That this act take effect and be in force from its passage.

Approved Jan. 25, 1860.

CHAPTER 52.

An Act to incorporate the San Antonio Gas Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That Isaac L. Lyon, John C. French, Asa Mitchell, William Vance, James Vance, Newton A. Mitchell, N. O. Green, George T. Howard, E. A. Florian, H. P. Howard, J. H. Kompman, Francis Guilbeau, William A. Menger, August Nette and their associates, be and they are hereby declared and constituted a body politic and corporate, under the name of the San Antonio Gas Company, with the capacity to make contracts, to have succession and a common seal, to make by-laws for its government, and in its corporate name to sue and be sued, to grant and receive and generally to do, and perform such acts and things as may be necessary and proper for, and incident to the fulfillment of its obligations or maintenance of its rights under this act and consistent with the provisions of the State Constitution.

Sec. 2. That said Company be and is hereby established, with the right of erecting, owning and maintaining works for generating gas in the city of San Antonio, and laying down pipes for conveying in the streets, lanes, alleys, and other public grounds, within the city of San Antonio and its suburbs pipes for the conveyance of gas in and through said city and its suburbs.

Sec. 3. That the capital stock of said Company shall be one hundred and twenty thousand dollars, with the privilege of increasing the same to two hundred and fifty thousand dollars and shall be divided into shares of one hundred dollars each, and holders of such shares shall constitute said company, and each member shall be entitled to one vote for each share he may own, in person or by proxy, and such shares of stock shall be transferable only upon the books of the company.

Sec. 4. That the affairs and business of said Company shall

be conducted and managed by a Board of Directors, not less than three nor more than seven, who shall be elected by the company at such time as the stockholders may appoint, and annually thereafter: Provided, that in case of failure to elect at the stated times, the Board of Directors incumbent shall continue in office until there be an election, the time for which shall be fixed by said Board, reasonable notice thereof being given.

Sec. 5. That no person shall be eligible for Director unless he be the owner of at least ten shares of the capital stock of said Company. The Board shall elect one of their number President, fill all vacancies, appoint such officers as they may deem necessary, and require security for the faithful performance of their duties, also prescribe the time for the payment of assessments on stock, and the amounts of such assessments, to declare the forfeiture of stock for non-payment of stock assessments, or any part thereof, and to do or cause to be done all other lawful acts, or things which they may deem necessary or proper in conducting the business of said Company, a majority of said Board of Directors shall constitute a quorum from doing business. All instruments in writing executed by the President and Secretary of said Company, by and with the consent of the Board of Directors, shall be valid, and binding on said Company.

Sec. 6. That said Company shall have the privilege of owning real estate not exceeding one hundred thousand dollars in value.

Sec. 7. That this act shall take effect and be in force from and after its passage.

Approved Jan. 26, 1860.

CHAPTER 53.

An Act to incorporate the Jacksonville and Neches Bridge Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That E. B. Ragsdale and those persons he may associate with him, be and they are hereby constituted a body corporate and politic under the name and style of the Jacksonville and Neches Bridge Company; that under such name and style they

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may sue and be sued, plead and be impleaded, and in such corporate capacity are hereby authorized to build and construct a bridge over and across the Neches River, at a point known as Peter C. Ragsdale Bluff or Reynolds Fishing place, and at a point the most practicable and direct from Jacksonville in Cherokee county to the town of Palestine in Anderson county.

Sec. 2. That the said E. B. Ragsdale and his associates shall construct said bridge in a durable and substantial manner, within three years from the passage of this act, and shall keep the same in good repair for all passengers for the term of twenty years from the completion thereof, and be ready at all times to pass all persons, carriages, wagons and teams, and stock, that may wish to cross said bridge, and that no other bridge shall be built or constructed within three miles of this bridge on said river.

Sec. 3. That the County Court of Cherokee county shall appoint two Commissioners on the application of said Company, whose duty it shall be to examine and approve said bridge and report the same, when completed and in good order, to said County Court, at a regular session thereof; and when the said Commissioners shall have reported as aforesaid, the said Company may demand and receive from every person crossing said bridge, toll, according to the following rates:

"For all carriages and wagons, ten cents per wheel and five cents per head for the team attached thereto; for horse or mule and rider, ten cents; for loose horses and mules, five cents per head; cattle per head, two and a half cents; hogs, sheep and goats, one cent per head."

Sec. 4. That said E. B. Ragsdale and his associates shall be responsible for any accident which may happen to any one so crossing, if it be clearly manifest that such accident was caused from any insufficiency pertaining to said bridge.

Sec. 5. That the State of Texas release and give to the said Company, any timber necessary to construct said bridge, which may be found on any vacant and unappropriated land belonging to the State, at any point near or accessible to the point where said bridge is to be constructed.

Sec. 6. That the counties of Cherokee and Anderson shall have the right to purchase said bridge at any time, by paying the actual value to the owner for the same—and in case the parties cannot agree, the Chief Justice of the county shall file a petition for that purpose in the District Court of Cherokee county, and said Court shall submit the question of the value of said bridge to a jury, which question shall be tried like other

causes in Court, and upon the finding of the jury the Court, shall render judgment, vesting the property in the county upon the payment into Court of the amount so found by the jury.

Sec. 7. That this act take effect and be in force from and after its passage.

Approved Jan. 26, 1860.

CHAPTER 54.

An Act granting a pension to John S. Stump.

Section 1. Be it enacted by the Legislature of the State of Texas, That a pension of two hundred dollars annually, be and the same is hereby granted to John S. Stump, of Lampasas county, to be drawn semi-annually from the State Treasury, out of any monies therein, not otherwise appropriated, for and during the term of his natural life; and the sum of four hundred dollars is hereby appropriated for said purpose.

Sec. 2. That this act take effect from its passage.

Approved Jan. 28, 1860.

CHAPTER 55.

An Act for the relief of Stephen Kelly.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office, be and he is hereby authorized and required to issue to Stephen Kelly, a certificate for six hundred and forty acres of land, which may be located and patented upon any vacant or unappropriated land within the limits of Mercer's Colony, and this act take effect from its passage.

Approved Jan. 28, 1860.

CHAPTER 56.

An Act for the relief of Mrs. William Gamble, late widow of John Carroll.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of twenty-two dollars be appropriated out of any money in the Treasury, not otherwise appropriated, for the payment to Mrs. William Gamble, late widow of John Carroll; being the price of two fat beeves, furnished by said Carroll, to the forces under the command of Col. Johnson, while operating on the Nueces River, under the Provisional Government of Texas, and that the receipt given said Carroll by S. W. Ray and signed by said Ray as Commissary, be filed with the Comptroller of Public Accounts, whereupon he shall issue a warrant on the Treasurer for the amount of said receipt.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved Jan. 28, 1860.

CHAPTER 57.**An Act for the relief of Andrew Mason, assignee of Robert H. Andrews.**

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office, be and he is hereby authorized and required to issue a patent for five hundred and twelve acres of land, to Andrew Mason, assignee of Robert H. Andrews, upon a survey, No. 684, made in Smith county, by virtue of Certificate No. 267, class second, issued to said Robert H. Andrews by the Board of Land Commissioners of Shelby county.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved Jan. 30, 1860.

CHAPTER 58.

An Act to incorporate the Air Line Railroad Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That George W. Glasscock, John B. Banks, John W. Brown and W. S. Oldham of Travis county, J. B. McGinniss of Bastrop county, Hamilton Ledbetter of Fayette county, J. D. Giddings of Washington county, James Shaw of Burleson county, L. D. Moore of Bastrop county and Thomas Oates of Williamson county be, and they are hereby appointed Commissioners to open Books and receive subscriptions to the capital stock of a corporation to be known and styled the "Air Line Railroad Company." They shall receive no subscription to said stock unless five per cent. thereof in cash shall be paid to them at the time of subscribing; and should they receive subscriptions to said stock without payment, they shall be personally liable to pay the same to said Corporation when organized. A majority of said Commissioners shall constitute a quorum to do business, and may hold their meetings at such times and places as a majority shall designate: Provided, that public notice of all such meetings shall be given by publication in some newspaper printed in the city of Austin, at least twenty days before any such meeting; and, provided further, that the Commissioners hereinbefore named shall not by virtue of the provisions of this act acquire any right or interest in and to the franchise hereby granted, but shall have no other right or power than to carry out the trusts hereby conferred upon them to organize said Company, in accordance with the provisions of this charter.

Sec. 2. That the subscribers to said capital stock, whenever they shall have elected the Directors in the manner hereinafter provided, shall be and they are hereby created and established a body politic and corporate, under the name and style of the "Air Line Railroad Company," with power and capacity in said corporate name to make contracts, to have succession and a common seal, to make by-laws for the government and regulation of the said Company, to sue and be sued, to plead and be impleaded, to grant and receive, to hold and convey property both real and personal, and generally to do and perform all such acts as may be necessary and proper for, or incident to the fulfillment of its obligations, for the maintenance of its rights under this act and in accordance with the constitution and laws of this State.

Sec. 3. That the capital stock of said Company or Corpora-

tion shall be one million of dollars, and it shall have power to increase the same to two millions of dollars. The said corporation shall be and is hereby invested with the right and privilege of locating, constructing, owning and maintaining a railway, commencing at the terminus of the Washington county railroad at Brenham, and then running by the most suitable and direct line to the city of Austin.

Sec. 4. The capital stock of said Company, shall be divided into shares of one hundred dollars each, each share entitling the owner or holder thereof to one vote in person or by proxy, at all meetings of the Company, and the shares shall be deemed personal estate, and shall be transferable by any conveyance in writing recorded by the Treasurer in books kept by him for that purpose at his office or by any other officer duly authorized by the Directors, in books kept by him at such other place as the Directors may appoint; such transfers as may be recorded in any other place as aforesaid, shall within ninety days be reported to the Treasurer and by him entered on the books.

Sec. 5. That the immediate direction and control of the affairs of said corporation shall be vested in a Board of not less than five Directors, said Directors shall elect one of their own number to be President of the Company, whenever three hundred thousand dollars of the capital stock of said Company shall have been subscribed and five per cent. thereof shall have been paid to the Commissioners hereinbefore named, they shall cause an election to be held by said subscribers at the city of Austin for not less than five Directors, having first given public notice of the time and place of said election in some newspaper published in said city of Austin, after which, said Commissioners shall account for and pay over to said Directors all such sums of money, as they shall have received of the subscribers of the capital stock of said Company (first deducting a reasonable compensation for their services as Commissioners). No person shall be eligible to the office of Director unless he shall be a subscriber for or owner of at least five shares of the capital stock, the Directors shall have power to fill any vacancy in their body arising from non-election or otherwise, they shall have power to appoint a Clerk, Treasurer or any other such officer or agents as they may be deemed necessary, and prescribe and require bonds for the faithful performance of their duties; they may make all necessary rules and regulations for holding of meetings and all other things they may deem proper for carrying out of the provisions of this charter and business of the Company; they shall keep or cause to be kept, correct records of all the meetings of

the Directors and Company, and accurate books and amounts of receipts and expenditures of the Company, and all other books and amounts necessary and proper to be kept by such Company, which books shall be open to the inspection of the stockholders. A majority of the Board of Directors shall have the powers of a full Board, and all conveyances and contracts executed in writing, signed by the President and countersigned by the Treasurer, or any other officer duly authorized by the Directors under seal of the Company and in pursuance of a vote of the Directors, shall be valid and binding.

Sec. 6. The Directors shall have power to receive further subscriptions to the capital stock of said corporation from time to time, until the full amount thereof shall have been subscribed; but five per cent. of all such subscriptions shall be paid in cash at the time of subscribing, and the directors shall be personally liable to said Company for five per cent. of all subscriptions they may receive to said capital stock: Provided however, that said Company may by a vote of the majority of the stockholders cause certificates of the stock to be issued in payment of any debt contracted for the construction and equipment of said road, and, any agreement in writing whereby any person shall become a subscriber to the capital stock of said Company, shall be enforced against him according to its terms. If any subscriber shall fail to pay any amount due upon shares subscribed for by him, according to the terms of his subscription, the Directors may after twenty days public notice sell at public auction the shares subscribed for by said delinquent, and transfer the same to the purchaser of such shares, if the proceeds of the sale shall not be sufficient to pay the amount due, with interest and charges, such delinquent shall be held liable to the Company the deficit; and if the proceeds shall exceed the amount so due with interest and charges he shall be entitled to the surplus.

Sec. 7. That said Company may purchase and hold any land that may be necessary for the purpose of locating, constructing and maintaining said Railway with all necessary depots and other buildings, and by their engineers or agents, enter upon and take possession of all such lands as may be necessary for the locating, constructing and maintaining said Railway, and if they shall not be able to obtain such lands by agreement with the owner, they shall pay for the same such amount as shall be determined in the manner provided for in the following section; the land so taken for the Railroad shall not exceed fifty yards in width, and for depots and buildings only such further width as may be necessary.

Sec. 8. That any person from whom lands may be taken for the purposes set forth in the preceding section, may apply to the District Court of the county wherein said lands are situated for the appointment of appraisers, and said Court, after proof that the President or other officers of the Company have been served with notice, describing the land, ten days before the holding of the Court, shall thereupon appoint three disinterested freeholders, citizens of said county, who shall appoint a time and place to hear the application and shall give such person and said Company through their agents or President reasonable notice of such time and place; and said freeholders being sworn shall after hearing the parties, determine the amount of compensation as aforesaid, and make return of their award to said court at its next term, and said award may be confirmed or for any sufficient reason rejected by said Court, in the same manner as awards by arbitrators under a rule of Court; and if confirmed by the Court judgment shall be rendered thereon as in other cases. In determining the amount of compensation to be paid as aforesaid, the freeholders shall be governed by the actual value of the land at the time it was taken into consideration, the benefit or injury done to other neighboring lands of the owner, by the establishment of said Railway; if in any case the amount found by the arbitrators, shall not exceed the sum proved to have been offered by the Company to the owner, prior to his application to the Court, the owner shall pay the costs of the proceedings; otherwise, the company shall pay the same.

Sec. 9. That the said Company shall have power to borrow money on their bonds or notes at such rates as the Directors may deem expedient: Provided, that nothing in this act shall be construed to confer banking privileges of any kind.

Sec. 10. That upon the written request of one-fourth of the stockholders, the President of the Company shall call a special meeting of the Directors and upon the written demand of three-fourths of the stockholders, the President shall remove any one or the whole of the Directors, and order a new election within thirty days, which Directors when so elected shall hold their offices until the time prescribed for the next regular election.

Sec. 11. That if said Railway is not commenced within six months, and at least twenty-five miles completed and in running order within two years after the passage of this act, then this charter shall be null and void.

Sec. 12. That said Company is hereby required at all rea-

sonable times and for a reasonable compensation, to draw over their road the passengers, merchandize and cars of any other railroad corporation, which has been or may hereafter be authorized by the Legislature to enter their railroad and connect with the railroad of this Company; and if the respective companies shall be unable to agree upon the compensation aforesaid, it shall be the duty of the President of each Company to select each, one man as Commissioner; and the two Commissioners so selected shall choose a third in case of disagreement, neither of whom shall be a stockholder in either road or interested therein, and they shall fix the rates, which shall not be changed for one year after going into effect; the said Commissioners shall also fix the stated periods at which said cars are to be drawn as aforesaid, having reference to the convenience and interests of said corporations and the public who shall be accommodated thereby; the right or power is specially conferred upon this Company to contract with any railroad company heretofore chartered or which may hereafter be chartered, with which the Railway of this Company may be immediately connected or remotely connected through other railroads forming such connection, for the performance of like transport, and in case of disagreement between companies, the same shall be referred and settled as aforesaid, to be binding for one year as aforesaid.

Sec. 13. This act of incorporation shall expire in ninety years unless it shall be renewed or extended.

Sec. 14. That said Company shall be, and is hereby authorized to contract, and become consolidated with the Washington county railroad, at such time and upon such terms as the said companies may agree upon, and said consolidated Company shall have the privilege of assuming the name of either or of both of said companies, and shall retain all the rights and privileges granted and secured by their respective charters, as fully as though such consolidation had not taken place.

Sec. 15. That the Company hereby incorporated shall be subject to all the provisions, and be entitled to all the benefits and privileges of the general laws of the State which have been, or may be enacted for the regulation, or the encouraging the construction of Railroads, and that this act take effect from and after its passage.

Approved 30th January, 1860.

CHAPTER 59.

An Act for the relief of Alexander Wheeler.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby required to issue to Alexander Wheeler an unconditional headright claim for six hundred and forty acres; Provided, said unconditional claim has not issued, and that this act take effect, and be in force from and after its passage.

Approved 31st January, 1860.

CHAPTER 60.

An Act to authorize and require the clerks of the District Courts of Titus, Travis and San Augustine counties to apportion the causes on the dockets of said Courts.

Section 1. Be it enacted by the Legislature of the State of Texas, That before the commencement of every term of the District Courts of the counties of Titus, Travis and San Augustine, the District clerks of said Courts shall apportion the causes on said dockets to so many days, and in such numbers to each day as may be deemed most expedient, and no cause shall be taken up (except by consent of parties) for trial or hearing at a day previous to that for which it may be set, and they shall issue the subpoenas for witnesses to attend on the days on which the causes stand for trial, and no witness shall be bound to attend in any cause unless specially summoned to each term, and it shall be the duty of said clerks to keep regular subpoena dockets, and to issue subpoenas before each term, of said courts for all the witnesses in every case.

Sec. 2. That this act take effect from its passage.

Approved 31st January, 1860.

CHAPTER 61.

An Act granting a pension to Charles Sheppard.

Section 1. Be it enacted by the Legislature of the State of Texas, That Charles Sheppard be, and he is hereby allowed a pension of one hundred and twenty-five dollars per annum, for and during the term of his natural life, to be paid semi-annually out of any monies in the Treasury not otherwise appropriated.

Approved 31st January, 1860.

CHAPTER 62.

An Act to incorporate the Prairie Lea Female Institute, located at Prairie Lea.

Section 1. Be it enacted by the Legislature of the State of Texas, That T. C. Greenwood, Edward Mallack, J. S. Martin, L. C. Hamilton, James T. Brown, J. H. Glenn, D. F. Brown, J. N. Eustace and T. M. Hardiman and their successors in office be, and they are hereby constituted a Board of Trustees of the Prairie Lea Female Institute, heretofore established in the town of Prairie Lea, which is by this act incorporated in the name of the Masonic Female Institute, by which name it may sue and be sued, plead and be impleaded, and buy and sell property, real, personal and mixed, and hold the same to the value of one hundred thousand dollars. The object of this incorporation is the maintenance and support of an institution of learning for the education of young females.

Sec. 2. That the lots or parcels of ground situate in or near the town of Prairie Lea, now occupied by the above named Masonic Female Institute be, and they are hereby placed under the control and management of the above mentioned Board of Trustees and their successors in office.

Sec. 3. That the said Trustees shall hold their office for three years, and are eligible to re-election at the expiration of their term, and shall have power to fill all vacancies which may occur in their body, by a majority vote, at any regular meeting or meeting called for the purpose of such election.

Sec. 4. The said Board of Trustees shall elect one of their own number President of the Board. They shall also elect one

Treasurer and Secretary. The President of the Board shall preside at the meetings of said Board, but in his absence a President pro tem. may be appointed by said Board. The Treasurer shall be elected for one year, and shall keep a record of all monies, notes and papers of value received and paid out by him, paying out the same by order of the Trustees, signed by the President of the Board. He may at any time be removed for dereliction of duty, by a two-thirds vote of the Board of Trustees. The Secretary shall be elected for three years. He shall attend the meetings of the Board of Trustees, and shall keep a fair record of all its proceedings and resolutions, and also, of all such by-laws and regulations as may be passed by said Board for the government of the school.

Sec. 5. The said Board shall have power to employ one President and as many Professors and Teachers as they may deem necessary, and they shall assign to all persons so employed their duties respectively and fix their salaries.

Sec. 6. The Board of Trustees shall have the power to pass such by-laws as they may deem necessary: Provided, the same do not conflict with the constitution or laws of this State.

Sec. 7. The Faculty of the Institute shall consist of the President, Professors and Teachers. They shall have power to enforce all laws passed by the Board of Trustees for the government of the school, by such measures as may be considered reasonable and shall have power to suspend any student who may knowingly violate the laws, which suspension shall last until the Board of Trustees can be convened, who conjointly with the Faculty shall have power to continue or remit the suspension. They shall also have power to expel disorderly students, but no student shall be suspended or expelled who has not knowingly violated some law of the Board of Trustees.

Sec. 8. That the Board of Trustees conjointly with the Faculty shall have power to confer such degrees in the arts and sciences upon any student in the Institute or person thought worthy, as are usually conferred by Academies of similar grade and to grant certificates thereof, signed by the Faculty and Trustees and sealed with the seal to be used by the Faculty to perpetuate their acts.

Sec. 9. The said Board of Trustees shall be competent to receive and hold contributions, gifts and donations and bequests of real estate and property of every kind to said Institute shall be good and binding, although the corporate name of said Institute may not have been properly stated by the person making such donation or bequest.

Sec. 10. Five members of the Board shall constitute a quorum for the transaction of business.

Sec. 11. This charter shall expire at the end of twenty years.

Sec. 12. This act shall take effect and be in force from and after its passage.

Approved 31st January, 1860.

CHAPTER 63.

An Act to incorporate the McKinzie Male and Female College.

Section 1. Be it enacted by the Legislature of the State of Texas, That the school of learning now located in the county of Red River and State of Texas, commonly known as the McKinzie Institute, and lately transferred by said McKinzie to the East Texas Conference of the Methodist Episcopal Church South, be and the same is hereby incorporated a College, with all the rights and privileges generally appertaining to the first class institution of learning; and shall be known under the style and name of the "McKinzie Male and Female College."

Sec. 2. Be it further enacted, That the following named persons be, and they are hereby declared to be the Trustees of said College, to-wit: J. W. Fields, J. E. Carnes, James Graham, C. A. Frazier, W. P. Hill, Samuel Roberts, George W. Wright, B. H. Epperson, J. W. Simms, Allen Martin, J. H. Crooks and John Ragsdale, to take charge of and superintend its interests, a majority of whom shall constitute a quorum to do business.

Sec. 3. Be it further enacted, That the aforesaid Trustees, and their successors in office, be and they are hereby constituted a body politic and corporate, in deed and in law, by the name of the McKinzie College, and by that name they and their successors may and shall have perpetual succession; and be able and capable in law, to receive and enjoy to them and their successors, lands, tenements, hereditaments, in fee or for life or for years, and personal property of any kind whatever, and all sums of money which may be given, granted or bequeathed to them, for the purpose of promoting the interests of said College, and to the extent of two hundred thousand dollars.

Sec. 4. Be it further enacted, That there shall be a stated

meeting of the Board of Trustees in each year at the time of conferring degrees; and that the President of said Board of Trustees, shall have power to call an occasional meeting of the Board, whenever it shall appear to him necessary; and a majority of the Board shall have power to call occasional meetings whenever they shall think it necessary to do so.

Sec. 5. Be it further enacted, That the said College shall have a common seal, with liberty to alter or change the same, and that by their aforesaid name the said Trustees and their successors, may and shall be able to sue and be sued, to plead and be impleaded, answer and be answered, defend and be defended, in all courts in this State; and to grant, bargain and sell or assign any lands, tenements, goods or chattels, now belonging to said College, or may hereafter belong to the same, to construct all the necessary buildings for said College, replenish the library; and to conduct a suitable boarding house for the male department and fix the salaries of the President and teachers.

Sec. 6. The President of said College shall be selected by the East Texas Conference from among the ministry of the Methodist Episcopal Church South. The President shall have the right of nominating and the Board of Trustees the right of electing the several teachers or professors in said College, subject to the ratification of the Conference: Provided, that in all cases the salaries of the President and professors shall not exceed the tuition fees without the consent of said Conference: Provided further, that the sons of Itinerant Methodist ministers of the East Texas Conference and deceased traveling preachers of said Conference shall be entitled to two years' tuition free of charge.

Sec. 7. Be it further enacted, That the President and Professors of said College shall be styled the faculty of the McKinzie College; and shall have power to enforce such rules and regulations as shall be determined upon by the Board of Trustees for the government of said College, by punishing, rewarding, suspending or expelling those who are incorrigible: Provided the expelled student shall have the right of appeal and a new trial before the Board of Trustees or a majority of them.

Sec. 8. Be it further enacted, That the Trustees shall have full power, by the faculty of said College, to grant or confer such degree or degrees in the arts and sciences, to the students of said College, and to other persons worthy thereof, as are usually granted and conferred in other colleges, and to give certificates or diplomas, signed by them and sealed with the

common seal of the Trustees of the College, to authenticate and perpetuate the running of such graduations.

Sec. 9. Be it further enacted, That whenever any vacancy shall occur in the Board of Trustees, by resignation, death or otherwise, then such vacancy shall be filled by the said East Texas Conference.

Sec. 10. Be it further enacted, That the Bible shall be publicly read and used as a text book in said College.

Sec. 11. Be it further enacted, That this charter shall continue for the term of twenty years; and that this act take effect from and after its passage.

Approved 31st January, 1860.

CHAPTER 64.

An Act to incorporate the Washington county Cotton and Woolen Manufacturing Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That A. M. Upshaw, B. Stauchfield, W. W. Browing, William M. Sledge, E. S. Burk, John C. Wallis, Terril J. Jackson, J. Atkinson, and their associates, are hereby created and established a body corporate and politic, under the name and style of the "Washington County Cotton and Woolen Manufacturing Company," with capacity in said corporate name, to make contracts, to have succession and a common seal, to make by-laws for the government and regulation of its affairs, to sue and be sued, to plead and be impleaded, to grant and receive, and do and perform all such acts and things as may be necessary or proper for or incident to the fulfillment of its obligations or the maintenance of its rights under this act and consistent with the Constitution.

Sec. 2. Said Company is hereby invested with the rights, power and authority to own, erect, establish, maintain and operate a cotton and woolen manufactory, separately or conjointly, in the county of Washington or at such place as they may designate, with a capital stock of five hundred thousand dollars, to be invested in the purchase of lands, buildings, machinery, mills, looms, spindles, &c., together with the rights to erect such buildings and establish such mills and shops as may be necessary to the success of said Company, and to invest so much of the

above capital stock in negroes, cotton and wool, and all other goods, chattels and produce as they may deem expedient in the prosecution of said enterprise.

Sec. 3. That the parties named in this act are hereby appointed Commissioners, and invested with the right of forming and organizing said Company and generally of exercising the powers of directors until directors are chosen by the stockholders or those who may subscribe to the stock of said Company, when the powers of said Commissioners shall cease.

Sec. 4. When one hundred thousand dollars of said capital stock have been subscribed upon the bonds of said Company, and one tenth thereon paid in, the commissioners shall proceed to organize said Company, calling the stockholders together for that purpose; the capital of said Company to consist of all its property, real and personal, franchises and rights to property, and shall be divided into share of one hundred dollars each, each share entitling the owner thereof to one vote by himself or by proxy; at all meetings of the stockholders of said Company, said shares shall be deemed personal estate, and shall be transferrable by any conveyance in writing, recorded by the Treasurer, in books kept by him at his office, or in such manner as the by-laws of said Company shall provide.

Sec. 5. The government of the affairs of said Company shall be vested in a Board of Directors, to consist of seven persons, who shall elect one of their number President of said Company. No person shall be eligible to the office of Director unless he is an owner of five or more shares of the stock of said Company.

The Directors shall be elected for one year, and shall have power to fill any vacancy that may occur in the Board from non-election, death or otherwise, and may appoint a Secretary, Treasurer, Superintendent, and such other officers or agents as they may think necessary, and prescribe and require bonds for the faithful performance of their duties, they shall have the right to pass and adopt all needful by-laws and regulations that may be necessary in the proper conduct of their business; and shall keep or cause to be kept, accurate records of all meetings of the Board of Directors and Company, which shall always be open to the stockholders of said Company, together with such other books as may be necessary to show at all times, the amount of expenditures, receipts and disbursements of said Company.

Sec. 6. The Board of Directors shall be convened by the President, who shall preside over all meetings of the Board, and in his absence, a President pro tem. may be appointed by the

Directors. The Board of Directors shall have power to appoint an executive committee, composed of two other Directors besides the President, who shall be invested with all the powers of the Board of Directors, and do and perform all of the general business of the Company, between the meetings of said Board of Directors, and all their proceedings shall be subject to the ratification of the said Board; all conveyances, contracts, sales or purchases, together with other business operations of the Company, shall be signed by the President, countersigned by the Secretary or Treasurer, as the Company may require, under the seal of the Company, with the approval of the Board of Directors, or the executive committee; said committee to remain in office one year from the date of their election.

Sec. 7. The books of said Company shall be opened publicly for subscription to the stock of said Company, upon such terms as the Commissioners shall determine will be for the best interests of said Company, any agreement in writing by which any person or persons shall become a subscriber to the stock of said Company, may be enforced against him according to its terms, and if any subscriber shall fail to pay any installment called for, or amount due upon his or her share or shares so subscribed and called for by the Directors or executive committee, within ten days from the date, said installment is required to be paid, the Directors or executive committee may sell at auction and transfer to the purchaser, the share or shares of such delinquent, and if the proceeds of sale shall not be sufficient to pay the amount due on said subscription, with interest and charges for selling and thereon accruing, such delinquent shall be held responsible and liable for the remainder due the Company, and if the proceeds shall exceed the amount so due the Company with interest and charges deducted, said delinquent shall be entitled to the surplus.

Sec. 8. Said Company may acquire real estate by purchase or donation, which gift or purchase may form a part of the capital stock of said Company, or when disposed to aid in the construction and prosecution of their manufacturing mills, under the provisions of this charter, provided nothing in this act shall be so construed as to confer banking privileges or powers whatsoever.

Sec. 9. The rights, powers, privileges and immunities, hereby granted and conferred under this act of incorporation of said Company, shall be and remain in force for twenty-five years from the passage of the same: Provided, that the President of said Company be required to make an annual exhibit of their

business operations to the Comptroller of the State, showing the amount of capital invested, the number of laborers employed, the amount of raw material manufactured, the quantity and quality of goods produced, the nett profits or loss of said establishment, and where said goods are disposed of or consumed, whether in or out of the State, with such other statistical information in relation thereto as his experience and observation may enable him to furnish.

Sec. 10. Each subscriber who may invest capital in the stock of said "Washington County Cotton and Woolen Manufacturing Company," and a holder of the same, shall at all times receive the dividend, when declared, if any, upon said stock; but should the Directors or stockholders, deem it the true interest of the Company to invest the profits or dividends in extending their manufacturing operations, instead of distributing them among the stockholders, their action in the premises shall be binding upon the minority, and should any stockholder, at any time, be displeased or wish to withdraw from said Company, or dispose of his interest, or require a distribution of dividends, or otherwise impede the progress and operations of the Company, he or she shall not be permitted to institute legal proceedings against said Company, to adjust his individual rights, or in any wise to impede the progress of said Company, unless sanctioned by a majority of the stockholders in the same, but is permitted and required to dispose of his interest in the market, at such price as such stock may command, and he or she so selling shall henceforth be exonerated from any loss of said Company may sustain, or debarred from any future profits said stock may realize; a majority of the stockholders being required, at all times, to agree upon a dissolution of the Company, and a distribution and sale of the property and effects of said Company, before the same can be acted upon.

Sec. 11. Each shareholder in the capital stock of this Company is hereby made liable to the Company for the amount so subscribed for by him or her, and due said Company, to be collected in accordance with the seventh section of this act: Provided, that no stock or share holder shall be responsible or liable for any other debts or contracts, made and entered into by the President or agent of said Company, not within the legitimate and bona fide business operations of said Company, but shall be liable in proportion to the amount of his or her stock, only for the bona fide debts of said Company, in prosecuting the works and carrying into effect the true interest and intention of the Company, in accordance with the provisions of this act, and

said liabilities shall be assessed, adjudged and collected in the event of failure, dissolution or loss, pro rata, upon each stockholder, in proportion to the amount of stock subscribed for and paid upon by him or her, and the stock book of said Company shall be the criterion by which the liability of each stockholder is to be arrived at.

Sec. 12. This act shall take effect from and after its passage.

Approved 31st January, 1860.

CHAPTER 65.

An Act to legalize the marriage of William Davis and Sarah James.

Section 1. Be it enacted by the Legislature of the State of Texas, That the bonds of matrimony heretofore solemnized between William Davis and Sarah James, of McKinney, in the county of Collin and State of Texas, be and the same are hereby legalized, and the rights, privileges and capacities of the said William Davis and Sarah James (now Sarah Davis) as husband and wife, be and remain the same as if they had been lawfully entitled to contract marriage at the time of solemnization thereof between them.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved Feb. 2, 1860.

CHAPTER 66.

An Act to legalize the marriage of C. B. Wood and Mary E. Wood, formerly Mary E. Terry.

Section 1. Be it enacted by the Legislature of the State of Texas, That the marriage between Calvin B. Wood and Mary E. Terry, which was solemnized on the 6th day of October, 1857. in the county of Trinity, be and is hereby declared to be legal

and valid to all intents and purposes, and that this act take effect from and after its passage.

Approved Feb. 2, 1860.

CHAPTER 67.

An Act to legalize the marriage of William H. and Margaret Slain, residents of the county of Bosque.

Section 1. Be it enacted by the Legislature of the State of Texas, That the marriage between William H. Slain and Margaret Slain, residents of Bosque county, be made legal, and that it have the same effect as though there had existed no legal impediments to said marriage when solemnized, and that this act take effect and be in force from its passage.

Approved Feb. 2, 1860.

CHAPTER 68.

An Act for the relief of H. C. Davis.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office, be and he is hereby authorized and required to issue to H. C. Davis an unconditional headright certificate for six hundred and forty acres of land upon his conditional certificate, No. 133, issued by the Board of Land Commissioners for Bexar county: Provided, that the said Davis has not received any land under said conditional certificate.

Sec. 12. That this act take effect from and after its passage.

Approved Feb. 2, 1860.

CHAPTER 69.

An Act for the relief of Joseph Turner.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office, be and he is hereby authorized and required to issue a certificate for three hundred and twenty acres of land to Joseph Turner as a colonist of Peter's Colony, to be located, surveyed and patented as other colonists' claims: Provided, the said Turner pays the usual fees in such cases made and provided, and that this act take effect and be in force from and after its passage.

Approved Feb. 2, 1860.

CHAPTER 70.

An Act for the relief of John Hearn.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Comptroller be and he is hereby authorized and required to issue a warrant upon the Treasurer, requiring him to pay to John Hearn twenty-five 50-000 dollars out of any money in the Treasury not otherwise appropriated: Provided, that said John Hearn shall first file with the Treasurer, a full receipt of all claims against the State of Texas, arising from the custody and safe keeping of Robert C. Webb, a fugitive from justice from Louisiana, in the jail of Bastrop county.

Sec. 2. That this act take effect, and be in force from and after its passage.

Approved Feb. 2, 1860.

CHAPTER 71.

An Act for the relief of Louis Bouillet and Hetty O. Kohlman.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office, be

and he is hereby authorized and required to issue to Louis Bouillet, an augmentation headright certificate of three hundred and twenty acres of land; and to Hetty O. Kohlman a headright certificate for six hundred and forty acres of land, upon payment of the usual fees in such cases; which certificates when issued, may be located, surveyed and patented as other certificates of like character: Provided said parties have not heretofore received the lands to which they are entitled.

Sec. 7. That this act take effect and be in force from and after its passage.

Approved Feb. 2, 1860.

CHAPTER 72.

An Act for the protection of game on Galveston Island.

Section 1. Be it enacted by the Legislature of the State of Texas, That it shall not be lawful to hurt or kill quail or partridge on the island of Galveston, within two years from the passage of this act, and that, thereafter, it shall not be lawful to hurt or kill quail or partridge on said island between the first day of March and the first day of September.

Sec. 2. That any person who shall be guilty of a violation of this act, shall be fined ten dollars for every such offence; and that the killing of every quail or partridge in violation of this act, shall be held a separate offence.

Sec. 3. That all fines inflicted, for any violation of this act, shall accrue to the benefit of the county of Galveston, and that all prosecutions, for violations of this act, shall be commenced within sixty days after the commission of the offence, and not thereafter.

Sec. 4. That this act take effect and be in force from and after its passage.

Approved Feb. 2, 1860.

CHAPTER 73.

An Act to validate the county seal of Young county.

Section 1. Be it enacted by the Legislature of the State of

Texas, That the county seal of Young county, which has the words "Young County Court, Texas" engraved thereon, be and the same is hereby validated, and all instruments authenticated with said seal, and all acts done, to which said seal or the impression thereof may be affixed, shall be as valid as if the same had been in due form of law.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved Feb. 2, 1860.

CHAPTER 74.

An Act authorizing the corporate authorities of the town of Dangerfield, Fairfield and Springfield, to tax ten pin alleys, billiard tables and pistol galleries.

Section 1. Be it enacted by the Legislature of the State of Texas, That the corporate authorities of the town of Dangerfield, in Titus county, Fairfield, in Freestone county, and Springfield in Limestone county, Texas, be and they are hereby authorized to levy a tax, of not more than five hundred dollars per annum, on ten pin alleys, billiard tables or pistol galleries, to be paid before any such alley, table or gallery is put in operation.

Sec. 2. That this authority shall extend to alleys on which ten or any number of pins are used; and this act shall take effect from its passage.

Approved Feb. 2, 1860.

CHAPTER 75.

An Act to incorporate the Navarro county Agricultural and Mechanical Association.

Section 1. Be it enacted by the Legislature of the State of Texas, That E. Drane, President, J. A. Clayton, Vice President, John B. Jones, Secretary, W. W. McPhaill, Treasurer, E. G. Melton, A. Barry, John Gallimore, W. A. Lockhart, William

M. Love, William B. Pillow, J. W. Abbey, B. F. Lisman, William F. Henderson and W. D. Talley, Directors, and their successors in office, be and are hereby declared to be a body politic and corporate, with perpetual succession, under the name and style of "the Navarro county Agricultural and Mechanical Association," and by that name may sue and be sued, plead and be impleaded, in all courts of law and equity, and shall be capable of acquiring, by purchase or otherwise, any quantity of land not exceeding one hundred acres, and may improve, sell and convey the same or any part thereof at pleasure, and may acquire, hold and dispose of such personal estate as the President and Directors of said association may deem necessary and proper. The said association may adopt and use a corporate seal and alter the same at pleasure, or may use the seal of its President for the time being.

Sec. 2. That there shall be elected by the stockholders of said association, on the first Monday in May of the year 1860, or such other time as may be fixed upon, and annually thereafter, a President and Directors, who shall continue in office and perform the duties assigned to them, respectively, by this act, and the constitution and by-laws of said association, for one year from the date of their election, and until their successors shall be elected and qualified, and shall be eligible to re-election.

Sec. 3. The business of said association shall be under the direction and control of the President and Directors of said association, whose duty it shall be to appoint a Treasurer and Secretary, either from their own numbers or from the body of the subscribers to the capital stock of said Company, and may require bond and security for the faithful performance of the duties assigned to them. They may also adopt a constitution and by-laws, necessary for the government of said association and its officers and business, not inconsistent with this act or the Constitution of this State, and to pass a code of police regulations, to enforce good order on its fair grounds and protect said association in its legitimate pursuits, and to alter, amend or abolish the same as they may deem proper, to make all contracts or appoint agents to contract for them, on behalf of said association, and to perform such other duties as may be assigned them by the constitution and by-laws of said association.

Sec. 4. Two-thirds of the Directors aforesaid shall constitute a quorum for the transaction of business. The President, if present, shall preside at the meetings of said Directors, and in his absence the Vice President shall preside; if he also shall be

absent, a Chairman shall be elected for the time from among the Directors present.

Sec. 5. The stock subscriptions, together with the property, real and personal, of said association, shall constitute the capital stock thereof, which shall be liable for the debts of said association; the subscriptions may be collected by the Company or by such person as they may appoint; and in no case shall the individual or any subscriber be further liable for the debts of said Association.

Sec. 6. Those who have subscribed or may hereafter subscribe to the stock of said Association shall be deemed members thereof, and certificates of stock shall issue to them corresponding with the number of shares which shall have been subscribed and paid, which may be transferred by assignment on the books of said Association.

Sec. 7. Said Association may establish Fair grounds, and during the continuance of any fair held by said Association, it shall be unlawful for any person or persons, to sell, keep or drink any spirituous or intoxicating liquors, upon said fair grounds, or within one quarter of a mile thereof, under the penalty of five dollars, to be recovered before the Mayor of the town of Corsicana or any Justice of the Peace of Navarro county, and each selling shall constitute a separate offence; such fines to be paid into the Treasury of said Association.

Sec. 8. That the Mayor of the town of Corsicana, or any Justice of the Peace within the precinct in which said town of Corsicana is situated, shall have jurisdiction to hear, try and determine all causes for alleged violations of the by-laws or police regulations of said Association, and their judgments in said causes shall be enforced as other judgments in said court.

Sec. 9. That this act take effect and be in force from and after its passage.

Approved Feb. 2, 1860.

CHAPTER 76.

An Act to amend an act entitled an act to incorporate Bastrop Academy, approved February 7, 1853, and an act to amend the same, approved January —, 1858.

Section 1. Be it enacted by the Legislature of the State of

Texas, That section third of said original act be amended so that it shall read as follows: Section 3. That any Trustee may be removed by the Conference for abuse of trust or neglect of duty.

Sec. 2. That section eight of said original act be so amended that it shall read as follows: Section 8. That the Faculty of Bastrop Military Institute shall consist of the Superintendent and Professors; that the Superintendent shall be charged with the discipline of the school and with the Faculty; shall have power to suspend or expell disorderly students: provided, however, that any expelled student shall have the right of appeal to the Board of Trustees, whose decision shall be final.

Sec. 3. That section eleven of said original act be so amended that it shall read as follows: Section 11. The Board of Trustees shall consist of fifteen members, besides the Superintendent, who shall be ex-officio a member thereof, five of whom shall be a quorum for the transaction of business.

Sec. 4. That section fourteen of said amendatory act be so amended that it shall read as follows: Section 14. The Superintendent shall make an annual report to the Governor showing the condition of the Institute and of the public arms in his possession, to be by him laid before the Legislature by message or otherwise.

Sec. 5. That this act take effect from and after its passage.

Approved February 2, 1860.

CHAPTER 77.

An Act to amend an act to incorporate the Paine Female Institute, passed August 6th, 1856.

Section 1. Be it enacted by the Legislature of the State of Texas, That the second, fourth and fifth sections of an act entitled an act to incorporate the Paine Female Institute, be and the same are hereby amended so as to read as follows: Section 2. That all property, whether real, personal or mixed, that may have been heretofore granted to and is now held by the Trustees of said Institute, or that may hereafter be granted, bequeathed, or donated to said Institute, be owned and held by said Trustees and their successors, in trust for the Rio Grande Mission Conference of the Methodist Episcopal Church, South, and all grants

and bequests, or other instruments in writing for the benefit of said Institute, shall be good and binding, although the corporate name of the same may not be correctly stated and described by the persons making such donation, bequest or instrument in writing. Section 4th. Said Female Institute shall be under the direction, supervision and patronage of the Rio Grande Mission Conference of the Methodist Episcopal Church, South: provided, that no religious test shall ever be required of the Principals, Teachers or Students of said Institute. Section 5th. That all vacancies occurring in the Board of Trustees, shall be filled by the Board, subject to the approval or disapproval of the said Rio Grande Mission Conference: provided, that all Trustees elected by the Board shall enter immediately upon the discharge of their duties, and continue therein until their election shall be acted upon by the Conference.

Approved 2nd February, 1860.

CHAPTER 78.

An Act to incorporate the German English School of the city of San Antonio.

Section 1. Be it enacted by the Legislature of the State of Texas, That C. N. Riotte, A. Nette, W. Friedrich, Gustav Theisen, J. H. Campman, G. Freislebin and Julius Berends, and their successors in office, be and they are hereby constituted a Board of Trustees of an institution of learning established in the city of San Antonio, which said institution is hereby declared a body politic and corporate, by the name of the German English School of the city of San Antonio, by which name it shall have succession, and be capable of suing and being sued, of defending and being defended in any of the Courts of this State; to acquire and hold estate, real, personal and mixed, to encumber, sell or otherwise alienate the same, as said institution may deem expedient.

Sec. 2. The amount of property held by said corporation shall at no time exceed in value the sum of one hundred thousand dollars.

Sec. 3. The said corporation shall have power to enact such by-laws, rules and regulations for its government, and generally to do any and all things that may seem proper to its members.

for the promotion and interests of the Institution, not repugnant to the Constitution and laws of the United States or of this State.

Sec. 4. This Institution shall have a common seal, which, with the signatures of the President and Secretary of the Board of Trustees, shall be evidence of their acts.

Sec. 5. There shall be no religious or sectarian tenets taught in the Institution hereby incorporated, but the same shall be accessible to all, without regard to religious opinions.

Sec. 6. This act shall take effect and be in force from and after its passage, and shall continue in force for twenty years and no longer.

Approved 2d February, 1860.

CHAPTER 79.

An Act to incorporate the Waco Classical School.

Section 1. Be it enacted by the Legislature of the State of Texas, That N. W. Battle, S. G. O. Bryan, John A. Cobb, J. W. Speight, W. A. Thompson, James E. Harrison, William Stone, T. B. Clements, Thomas Harrison, R. H. Smith, John McLennan, Sr., B. D. Arnold, N. W. Crane, Lee R. Davis and J. L. Sears and their successors, be and they are hereby declared to be a body corporate and politic, under the name and style of "the Trustees of the Waco Classical School," and that by said name and style, they shall have succession, may sue and be sued, plead and be impleaded, may have and use a common seal, make by-laws, rules and regulations, for their own government, and that of a Classical School, in the town of Waco, and may alter the same at pleasure, may do all things necessary to build up and promote the progress and interest of such school, may have and hold real and personal estate to any amount not exceeding twenty thousand dollars, elect their own officers and prescribe their duties, fix the number which shall constitute a quorum for business, and regulate the time of their own meetings: provided, that all property which shall accrue to said Trustees shall be by them held in trust for the use, benefit, and purposes of the Waco Classical School in the town of Waco, which is hereby declared to be under the patronage and control of the Baptist Denomination.

Sec. 2. That whenever a vacancy shall occur among the members of said Board, by death, resignation or otherwise, the remaining members thereof shall nominate some individual to fill such vacancy, and whenever such nomination shall be ratified and confirmed by the Association of Baptists of which the Baptist Church at Waco is a member, then and in that case such vacancy shall be filled; or such Association may, at any time, without such nomination, fill such vacancy.

Sec. 3. That this act take effect and be in force from and after its passage, and shall continue in force for twenty years and no longer.

Approved 2d February, 1860.

CHAPTER 80.

An Act to incorporate the Columbus Tap Railway Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That a body corporate be, and the same is hereby created and established, to consist of the Stockholders, Directors and President of a Company or Association of individuals, under the name and style of the Columbus Tap Railway Company, and said corporation is invested with the right and power to contract and be contracted with, to sue and be sued, to plead and be impleaded, to take, buy and sell real and personal property. And A. M. Campbell, John G. Logue, W. E. Wallace, C. W. Tait, Geo. W. Smith and Isam Tooke, are hereby appointed Commissioners to organize said Company.

Sec. 2. That the said corporation are hereby invested with the right and power of locating, constructing and maintaining a Railroad, extending from the town of Columbus in Colorado county, to a point intersecting with the Railroad of the Buffalo Bayou Brazos and Colorado Railway Company, on the east side of the Colorado River, the point of intersection to be fixed upon by the Board of Directors of the Company hereby created.

Sec. 3. That the capital stock of this corporation shall not exceed the sum of three hundred thousand dollars, divided into shares of one hundred dollars each.

Sec. 4. That the persons named in the first section of this act, are appointed Commissioners to open books and receive sub-

scriptions to the capital stock of the Company: but they shall receive no subscription to said capital stock unless five per cent. thereof in cash shall be paid to them at the time the subscription is made, and should they receive said subscription to the capital stock without such payment, they shall be personally liable to pay the same to the said corporation; that all subscriptions less the said five per cent. shall be secured by note of the subscriber with good personal security, made payable to the company at such times and in such amounts as the Board of Directors may require. A majority of the said Commissioners shall constitute a quorum to do business, and they may hold meetings at such times at the court house in Columbus, Colorado county, as a majority may designate, publication to be first given five days at the court house aforesaid, or in a newspaper printed in said county, if there be one. The said Commissioners shall make a record of all their proceedings and acts done at such meetings, the amount subscribed; the proceedings to be signed by those present, or a majority of them.

Sec. 5. Whenever so much as forty thousand dollars shall be subscribed and secured as aforesaid, it shall be the duty of the said Commissioners or a majority of them to meet and order an election of the subscribers aforesaid, at the court house of said county, of six Directors of said Company. Notice of time and place of the election shall be published in a newspaper printed in said county if there be one, and if not, then at the said court house for at least twenty days before the election. The said Commissioners or a majority of them to conduct and preside at the said election and give certificates of election to those elected. The term for which each Director shall be elected, shall be two years, but to act after that time until his successor is duly installed. And should a vacancy occur in the office of a Director, the Board shall fill the vacancy for the residue of the term. No person shall be eligible to the office of Director, Treasurer, Clerk or President, unless he owns as much as three shares of the corporate stock of the Company, and is a resident of the State of Texas. In the election of Directors, each stockholder shall be entitled to cast one vote in person or by proxy, duly authorized in writing signed by him, for each share he may own. At the expiration of the regular term of the Directors, or as soon thereafter as may be practicable, an election shall be held at said court house by the stockholders, for the election of their successors. This election shall be notified as aforesaid, and conducted by the President of the Company for the term last passed, and shall give the proper certificates of election to those elected. If

he should fail or refuse to act in the premises, then any two of the Directors may perform the duty, and should they fail, then the Chief Justice of the county of Colorado shall act in the matter.

Sec. 6. The first Monday in each alternate month after the election of the Directors as specified in the foregoing section, shall be the times for the regular meetings of the Board of Directors at the court house of Colorado county, any four of the Directors being present at a meeting regular and special, shall constitute a quorum to do business, and they shall at their first meeting, or as soon thereafter as practicable, elect from the number elected as aforesaid, a President of the Company whose term as President shall be the time for which he is elected a Director, and shall elect his successor as aforesaid. And the said Board at a meeting shall appoint a suitable clerk and Treasurer of the Company, whose terms of office shall be at the will and pleasure of the Board of Directors, and they shall have power to fill vacancies in the said offices, and before they enter upon the duties of their respective offices, they shall give an obligation with good personal security to the Company in a sum to be fixed by the Board and approved by them conditioned faithfully to comply with and fulfill all the duties that are or may be made incumbent on them, which bonds or obligations shall be registered in the County Court Clerk's Office of Colorado county, after being acknowledged and certified to, as other instruments permitted by law to be registered, and with like effect.

Sec. 7. The immediate control and management of the affairs of the corporation shall be vested in the Board of Directors, and they shall be caused to be kept in suitable books, a correct record of all the actings and doings of the Board at their various meetings, and also account books of all the receipts and expenditures of the Company, and all other books and accounts of the business and affairs of the Company well calculated to show and exhibit at all times the true condition of the Company and its affairs, and all they have done or has been done, which books, papers, accounts, &c., shall at all times be open to the inspection of the stockholders, and those at all interested, and all contracts entered into and signed by the President and countersigned by the Treasurer or other person authorized by the Board of Directors, shall be binding on the company, if fairly made; provided no contract involving a value more than two hundred and fifty dollars, shall be binding on the Company without authority specially given by the Board of Direc-

tors. The Board of Directors shall have power to receive further subscriptions to the capital stock of the Company, from time to time, until the whole amount shall be subscribed for on the same terms and conditions as those prescribed for the government of the Commissioners in section four of this act: Provided the said Board may cause certificates of stock to be issued in payment of any debt contracted for construction or equipment of the road with the consent of the stockholders first given by vote; but no certificate of stock shall be issued before the construction or equipments shall be completed and received by the Company for which the debt may have been incurred. That so soon as the Board of Directors shall be organized, it shall be the duty of the Commissioners mentioned in section four, to deliver to them all the money received by them on subscriptions to the capital stock of the Company, notes, obligations, less a reasonable compensation for services in obtaining the same, and all other property, papers, books and documents that may be in their charge, and the like duty is incumbent on each officer or agent of the Company, to make a delivery to his successor of all that may be in his hands or under his control. If any subscriber to the capital stock of the company shall fail to pay any amount due upon shares subscribed for, the Board of Directors may after twenty days notice, given at the court house of Colorado county, cause the shares subscribed for by said delinquent, to be sold at public auction at the said court house for cash, and transfer the said shares to the purchaser thereof, and if the proceeds of the sale shall not be sufficient to pay the amount with interest and charges, such stockholder shall be liable for the amount of the deficit to the Company; but if the proceeds of the sale shall exceed the amount so due with the interest and charges, he shall be entitled to the surplus. All agreements whereby a person becomes a subscriber to the capital stock of the Company, shall be enforced against him according to the tenor and effect of the same.

Sec. 8. That it shall be lawful for said Company to receive by donation and also to purchase and hold any land that may be necessary for the purpose of locating, constructing and maintaining their railroad and bridge across the Colorado river, with all necessary depots and other houses and buildings, and by their engineers and agents to enter upon, and take possession of all such lands as may be necessary for the locating, constructing and maintaining the said railway and bridge; and if they shall not be able to receive the same by donation or agreement with the owner, the Company shall pay for the same such amount as

shall be determined, in the manner provided for in the following section; the land so taken for the railroad and bridge, shall not exceed one hundred and fifty feet in width, and for the depots and other buildings, only such further width as may be necessary. And the said Company shall have the right to construct a bridge across the Colorado river at the town of Columbus in connection with the said railroad, and to construct the same in such manner and in such height as the Board of Directors may designate and direct, and shall not be compelled to construct it with draws in it, or at such a height as to preserve the river free from obstructions to the navigation of the same.

Sec. 9. That any person from whom land may be taken under the provisions of this act, may apply to the District Court of Colorado county for the appointment of appraisers, and the court, after proof that the President of the Company has been served with notice describing the lands taken, five days before the holding of the court, shall appoint three disinterested freeholders, citizens of said county, and shall appoint a time and place in Colorado county to hear the application. Reasonable notice of the time and place shall be given the President of the Company, and the said freeholders being sworn to decide the matters submitted to them according to law, to the best of their skill and ability, shall after hearing the parties and examining the lands taken and the neighboring lands of the owner, if he has any, determine the amount of compensation the Company shall make the owner, and make report thereof at the next term of the said District Court. And the said report may be confirmed, or for sufficient reasons rejected by the court, in the same manner as awards by arbitrators under a rule of the Court, and if confirmed by the Court, judgment shall be rendered thereon for the amount reported, as in other cases. In determining the amount of compensation to be made the owner of the land, the freeholders shall be governed by the actual value of the land at the time it was taken, taking into consideration the injury and benefit done to other neighboring lands of the owner by the establishment of the railroad or bridge. If the amount reported and confirmed to the owner, shall not exceed the amount proven to have been offered by the Company, before the application to the Court, the owner shall pay all the costs of the proceedings; otherwise the Company shall pay the same, and judgment for the costs shall be rendered accordingly. The appraisers shall be allowed a reasonable compensation for their services, not to exceed ten dollars each.

Sec. 10. The Company shall have power to borrow money

on the faith of the bonds or notes of the Company at such rates of interest as the Board of Directors may deem proper, not to exceed twelve per cent. per annum.

Sec. 11. This Company may adopt and construct their road on the same gauge that is or may be hereafter used by the Buffalo Bayou, Brazos and Colorado Railway Company, and shall be entitled to receive the benefits of the laws to encourage the construction of railroads in Texas by donations of lands in proportion to the length of their road, though their same be less than ten miles long, upon condition that said Company shall construct or cause to be constructed, a good and permanent railroad bridge across the Colorado river on the line of said road. This Company shall be allowed three years from the passage of this act to complete the road and bridge across the Colorado river, and unless the same be fully completed in that time, they shall forfeit all rights under this charter. This Company is to be subject to all general laws of the State to regulate railroad companies, and the right is reserved to the State at all times to pass such laws as may be proper for the regulation of the same and the public interest.

Sec. 12. Upon the written request of two-third of the stockholders of the Company, it shall be the duty of the President to remove any of the Directors, and two-thirds of the Directors may remove the President and fill his vacancy. At the written request of one-fourth of the stockholders of the Company, a special meeting shall be held at such times as may be stated in the request, and at the court house of Colorado county, but to do or transact no other business than that mentioned in the request. It is made the duty of the President to call the meeting and give at least five days notice thereof as directed for notices in this act. In his absence or in his failure to act, any one of the Directors may perform the same. The record of the proceedings of the Board of Directors shall be signed by the Directors present, amounting to a quorum.

Sec. 13. All transfers of the shares in the capital Stock of the Company shall be made in the books of the Company, and no other transfer shall be regarded as valid, except as provided for in this act, and no stock shall be sold or subscribed for at less than its full value.

Sec. 14. Be it enacted that this act take effect from and after its passage, and continue for ninety-nine years.

Approved 2d February, 1860.

CHAPTER 81.

An Act to incorporate the Texas and Mexican Railway Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That the owners of the shares herein authorized to be issued be, any they are hereby made a body corporate in the name and style of the Texas and Mexican Railway Company, and in that name they and their successors shall have the right to purchase and acquire by any lawful means, estate real and personal, and the same may use, sell, lease, let, mortgage, transfer, convey and otherwise dispose of, and may sue and be sued, plead and be impleaded, contract and be contracted with, and may have and use a common seal, and the same may change at pleasure, and make by-laws and regulations for the management of their affairs, and the same may alter and amend. and may have and use all the powers, rights and privileges which are or may be necessary and proper for them to have as a Company incorporated for the purposes herein indicated.

Sec. 2. That the purpose of this act is to create and incorporate a Company with the right, power and privilege of locating and constructing, owning and maintaining a Railway from some point to be selected on Corpus Christi Bay, to such point as they may select on the Rio Grande, below Eagle Pass, and H. L. Kinney, M. P. Norton, B. Benevides and Forbes Britton are hereby appointed Commissioners, and they or a majority of them, may in person, or by proxy, at such times and places as they deem expedient. open books of subscription, and when twenty thousand shares shall have been subscribed, and five per cent. thereon shall have been paid in, the share holders may proceed to organize the Company by the election of five or more Directors, the mode of whose election, the term of whose services and powers, and duties shall be prescribed in the by-laws, and the Directors when elected shall choose one of their own members to be President, and may appoint such officers and agents as they deem expedient, and shall have power in the name and behalf of the Company to exercise and enjoy all the rights, powers and privileges which are or may be given to the said Company.

Sec. 3. That the capital stock of the said Company shall consist of shares of ten dollars each, and shall be held to be personal property, and may be transferable on the books of the Company in such manner as the by-laws may direct, and if at any time the amount subscribed shall not be deemed sufficient for the purposes of this act, the Directors may increase their

resources by borrowing money on a pledge of their property or without such pledge, or they may cause new subscriptions to be taken, and any State or citizen, corporation or company of any State or county may subscribe for purchase and hold shares in the said Company, with all the rights of any other shareholder and subject to no other liabilities than for the payment to the said Company of the balance due or to become due on the shares subscribed for or held by them.

Sec. 4. That the said Company shall be entitled to receive and enjoy the like grants and benefits which are or may by any general law of this State, be granted to any other railroad company, and may enter upon and occupy any of the lands, public or private, and take and use any materials, stone, earth or timber which may be useful for the construction of their road, or for the location thereof, and for their depots and water stations, upon the same terms and conditions as are prescribed in the act to incorporate the San Antonio and Mexican Gulf Railroad Company, as the mode by which said Company may acquire lands, earth, timber, stone, &c., for the location, construction and repairs of their road, depots and water stations.

Sec. 5. That the said Company shall commence and have completed at least twenty-five miles of their said Railroad within six years from the passage of this act, or else the same shall be void and of no effect.

Sec. 6. That one purpose of this act is to connect the system of railways authorized by this State, with a system of railways to be authorized by the Republic of Mexico, and therefore the said Company by the consent and by the authority of the Republic of Mexico, may extend their said railroad into Mexico, and may construct railways and enjoy such rights, powers, and privileges within the jurisdiction of the said Republic, as the government of Mexico may authorize them to have, exercise, and enjoy: That this act shall expire in ninety years unless it be renewed or extended, and shall take effect from and after its passage.

Approved February 2d, 1860.

CHAPTER 82.

An Act to change the name of Susan Allford to Susan Bell, and permit Abigail Bell to adopt her.

Section 1. Be it enacted by the Legislature of the State of

Texas, That the name of Susan Allford, of Austin county, Texas as, is hereby changed to Susan Bell, and Abigail Bell is fully empowered to adopt said Susan as her child and legal heir, by an instrument of writing duly signed and acknowledged before any officer authorized by law to authenticate instruments for record, and having the same duly registered in the office of the County Clerk of Austin County upon the record of deeds. And when such instrument is so recorded, said Susan Bell shall inherit the estate of said Abigail Bell.

Sec. 2. That that this act take effect and be in force from its passage.

Approved 3d February, 1860.

CHAPTER 83.

An Act to require the Treasurer of the State to refund to Blas Uribe and other co-heirs certain moneys erroneously collected from them.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Comptroller be ordered to audit and the Treasurer of the State to pay to Blas Uribe and other co-heirs the sum of two hundred and forty dollars, (\$240,) being the amount erroneously collected of them by the Board of Commissioners to investigate land titles west of the Nueces, approved February 11th, A. D. 1854.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved 3d February 1860.

CHAPTER 84.

An Act to legalize the unconditional headright certificate of John Jordan.

Section 1. Be it enacted by the Legislature of the State of Texas, That the unconditional headright certificate No. 3, of the 2d Class, for 1280 acres of land, issued to John Jordan by

the Board of Land Commissioners for De Witt county on the 10th day of April, 1848. The same is hereby made legal, as though it had issued in strict conformity of law. To be located, surveyed and patented as other certificates of similar character.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved February 3d, 1860.

CHAPTER 85.

An Act to incorporate the "Galveston Casino."

Section 1. Be it enacted by the Legislature of the State of Texas, That Ferdinand Flake, J. Frederick, Theo. Wagner, E. Nicbour, L. Rau, A. Butlar and F. Kauffman, and their associates and successors be, and they hereby are constituted a body politic, and corporate for the purpose of social entertainments and pleasures, by ate name and style of the "Galveston Casino," and by their corporate name may sue and be sued, prosecute and defend in any of the courts of the State, may grant, purchase and receive real and personal property not exceeding one hundred thousand dollars in value; and may have a common seal, to be altered or changed by the will of said association; may adopt such a constitution, by-laws and regulations for the management of the affairs of the association as the active members thereof may deem proper, not contrary to the constitution and laws of the State.

Sec. 2. The capital stock of said Company shall be divided into shares of fifty dollars each.

Sec. 3. The management of the affairs of said Company shall be conducted by a Board of not less than five Directors, which number may be, at any time, increased by a vote of a majority of stockholders, which said Board of Directors shall include the President, Secretary and Treasurer to be designated by the stockholders. Each of whom shall be a stockholder, and a majority of the members of said Board shall constitute a quorum for the transaction of all the business necessary to the successful operation of said Company. The election for the directors and officers constituting said Board, shall take place in the city of Galveston, on the first day of December, 1860, and yearly thereafter: provided, that should the first day of the month fall on Sunday, the election shall be held on the following Monday; and in case of

failure to so elect said Board, the corporation shall not be dissolved for that cause, but the President, Directors and other officers for the time being, shall continue in office until there be an election: provided also; that it shall be the duty of the said Directors and officers to call a meeting of the stockholders at an early day to elect a Board so omitted to be done at the regular period, and such vacancies as may from time to time take place from death, resignation or otherwise, shall be filled by a vote of the stockholders at a meeting called for that purpose.

Sec. 4. Each stockholder shall be entitled to one vote, and may vote in person or by proxy.

Sec. 5. Until the first annual election, to be holden on the first day of December, 1860, the following named persons shall constitute the Board for the management of the affairs of said Company: J. Frederiche, President; Theo. Wagner, Secretary; E. Nicbour, Treasurer, and A. Butlar and L. Rau, Directors, together with such others as may from time to time be elected by the stockholders: and provided, that vacancies may be filled in the manner provided for in the third Section of this act.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved 3rd February, 1860.

CHAPTER 86.

An Act to incorporate Bois D'Arc Lodge No. 36, Independent Order of Odd Fellows, located at Clarksville, Red River county, Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That the officers and members of Bois D'Arc Lodge, No. 36, of the Independent Order of Odd Fellows, now located and established at the town of Clarksville, Red River county, and their successors, are hereby declared, and they shall be a community corporation and body politic, by the name and style of Bois D'Arc Lodge, No. 36, Independent Order of Odd Fellows, and by that name, they and their successors shall, and may at all times hereafter be capable in law to have, receive and retain any property or estate, real or personal, by gift, purchase, demise or bequest, and such property or estate at their pleasure to sell, transfer, or dispose of, and generally to manage and control in such manner as they may think proper.

Sec. 2. The corporation by the name and style aforesaid.

shall be capable in law to have, maintain and hold a library for the use of the members thereof, and that of the public upon such terms as they may deem beneficial to the advancement of learning; to sue and be sued, plead and be impleaded, answer and be answered unto, to defend and be defended, in all and every court of the State, or other competent authorities whatsoever, in all actions at law, or suits in equity, in and about all things whatsoever.

Sec. 3. The said corporation shall have a common seal for their use, and shall have and exercise all such rights, privileges and immunities as are by law and custom, incident and necessary to corporations of a similar character.

Sec. 4. That this act take effect from and after its passage.

Approved 3rd February, 1860.

CHAPTER 87.

An Act for the relief of the heirs of John Gates.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized to cancel the title issued to John Gates as a Colonist in Vehlin's Colony, which is defective for want of the Commissioner's signature, and issue to the heirs of said Gates a certificate in lieu thereof for one league of land, to be located, surveyed and patented as other first-class certificates.

Sec. 2. That this act take effect from and after its passage.

Approved 3rd February, 1860.

CHAPTER 88.

An Act for the relief of the heirs of William McDowell.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be and is hereby required to issue to the heirs of William McDowell certificates for land as follows, to-wit: One certificate for one-third of a league as a headright; one certificate for six hundred

and forty acres as a donation, and one certificate for six hundred and forty acres as a bounty, which said certificates, when issued, may be located on any of the unappropriated domain of this State as other certificates of like character.

Sec. 2. That this act be in force from and after its passage.

Approved 3rd February, 1860.

CHAPTER 89.

An Act to incorporate the Trinity Valley Railroad Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That James Wrigley, E. T. Branch, B. F. Ellis, John F. Carr, — Willis, J. T. Evans, James H. Martin, William Trousdail, James C. Reid, Daniel M. Coleman, and their associates and successors, be and they are hereby appointed Commissioners to open books, and receive subscriptions to the capital stock of a corporation, to be styled the Trinity Valley Railroad Company, but they shall receive no subscription to said capital stock, unless five per cent. thereof in cash be paid to them at the time of subscribing, and should they receive subscriptions to said stock without such payment, they shall be personally liable to pay the same to said corporation when organized. A majority of said Commissioners shall constitute a quorum to do business, and they may hold their meetings at such times and places as a majority shall designate: provided, that public notice of all such meetings shall be given by publication in some newspaper printed in Liberty and Anderson counties, at least twenty days before any such meeting.

Sec. 2. That the subscribers to said capital stock whenever they shall have elected Directors, in the manner hereinafter provided, shall be and they are hereby created and established a body corporate and politic, under the name and style of the "Trinity Valley Railroad Company," with capacity in said corporate name, to make contracts, to have succession and a common seal, to make by-laws for the government and regulation of the Company, to sue and be sued, to plead and be impleaded, to grant and receive, and generally to do and perform all such acts as may be necessary and proper for, or incident to the fulfillment of its obligations, for the maintenance of its rights under this act, and in accordance with the constitution and laws of the State.

Sec. 3. That the capital stock of said corporation shall be two millions of dollars, and it shall have power to increase the same to three and a half millions of dollars. The said corporation shall be and is hereby invested with the right of locating, constructing, owning and maintaining a railroad from a point at or near the town of Liberty, in Liberty county, thence in a northwesterly course, as surveys may determine to be most practicable to the town of Palestine, in Anderson county, passing through the counties of Liberty, Polk, Trinity, Houston and Anderson; provided, that this road shall terminate at its point junction with the Houston, Trinity and Tyler Railroad in the county of Houston, upon the following condition, to-wit: Provided, that in the event this road shall be constructed to said point of junction in said county before the Houston, Trinity and Tyler railroad is constructed to the said junction, then, but in no other event, this road may be constructed to the said town of Palestine.

Sec. 4. That the capital stock of said Company shall be divided into shares of one hundred dollars each; each share entitling the owner thereof to one vote, in person or by proxy, at all meetings of the Company, and the shares shall be deemed personal estate, and shall be transferable by any conveyance in writing, recorded either by the Treasurer in books kept by him for that purpose at his office, or by any other officer duly authorized by the Directors, in books kept by him at such other place as the Directors may appoint; such transfers as are recorded in any other place, being within ninety days communicated to the Treasurer, and by him entered on his books.

Sec. 5. That the immediate control and direction of the affairs of said corporation shall be vested in a board of not less than five Directors; said Directors shall elect one of their own number to be President of the Company. Whenever two hundred thousand dollars of the capital stock of said corporation shall have been subscribed, and five per cent. thereof shall have been paid to the Commissioners hereinbefore named, they shall cause an election to be held by said subscribers, at the town of Liberty, in Liberty county, for not less than five Directors, having first given public notice of the time of said election, in some newspaper published in said county; after which the said commissioners shall account for, and pay over to said Directors all such sums as they shall have received of the capital stock of said Company, first deducting a reasonable compensation for their services as Commissioners. No person shall be eligible to the office of Director, unless he be a subscriber, or owner of at least

three shares of the capital stock. The Directors shall have the power to fill any vacancy in their body, arising from non-election or other cause. They shall have power to appoint a Clerk, Treasurer, or any other officers or agents, as they may deem necessary, and prescribe and require bonds for the faithful performance of their duties. They shall make all necessary rules and regulations for the holding of meetings, and all other things they may deem proper for the carrying out the provisions of this charter, and business of the Company. They shall keep, or cause to be kept, correct records of all meetings of the Directors and Company, and accurate books and accounts of the receipts, and expenditures of the company, and all other books and accounts necessary and proper, to be kept by such Company, which books shall be open to the inspection of the stockholders. A majority of the Board of Directors shall have the power of a full Board, and all conveyances and contracts executed in writing signed by the President and countersigned by the Treasurer, or any other officer duly authorized by the Directors, under the seal of the Company, and in pursuance of a vote of the Directors, shall be valid and binding.

Sec. 6. That the Directors shall have the power to receive further subscriptions to the capital stock of said corporation, from time to time, until the full amount thereof shall have been subscribed, but five per cent. of all such subscriptions shall be paid in cash at the time of subscribing, and the Directors shall be personally liable to said company, for five per cent. of all subscriptions that they may receive to said capital stock, without such payment; provided, however, that said Company may, by a vote of a majority of the stockholders, cause certificates of stock to be issued in payment of any debt contracted for the construction or equipments of their road, any agreement in writing, whereby any person shall become a subscriber to the capital stock of said Company, shall be enforced against him according to its terms. If any subscriber shall fail to pay any amount due upon shares subscribed for by him, according to the terms of his subscription. The Directors may, after twenty days public notice, sell at public auction, the shares subscribed for by said delinquent, and transfer to the purchaser of such shares. If the proceeds of sale shall not be sufficient to pay the amount due, with interest and charges, such delinquent shall be held liable to the company for the deficit, and if the proceeds shall exceed the amount so due with interest and charges, he shall be entitled to the surplus.

Sec. 7. That it shall be lawful for the Company to purchase and hold any land that may be necessary, for the purpose of locating, constructing and maintaining said railroad, with all

necessary depots and other buildings, and by their engineers or agents enter upon and take possession of all such lands as may be necessary for the locating, constructing and maintaining said railroad; and if they shall not be able to obtain such lands by agreement with the owner, they shall pay for the same, such amount as shall be determined in the manner provided for in the following section. The land so taken for the railroad shall not exceed two hundred feet in width, and for depots and buildings only such further width as may be necessary.

Sec. 8. That any person from whom lands have been taken for the purpose set forth in the preceding section, may apply to the District Court of the county wherein said lands are situated, for the appointment of appraisers, and said court, after proof that the President or other officers of the company have been served with a notice describing the land, ten days before the holding of the court, shall, thereupon, appoint three disinterested freeholders, citizens of the county, who shall appoint a time and place to hear the application, and the company to whose agent or President a reasonable notice shall be given by the Court of said time and place, and said freeholders being sworn, shall, after hearing the parties, determine the amount of compensation as aforesaid, and make return of their award to said Court, at its next term, and said award may be confirmed, or for any sufficient reason, rejected by said Court, in the same manner as awards by arbitrators under a rule of court, and if confirmed by the court, judgment shall be rendered thereon as in other cases. In determining the amount of compensation to be paid as aforesaid, freeholders shall be governed by the actual value of the land at the time it was taken, taking into consideration the benefit or injury done to other neighboring lands of the owner, by the establishment of said railroad. If in any case the amount found by the arbitrators, shall not exceed the sum proved to have been offered by the company to the owner, prior to his application to the court, the owner shall pay the costs of proceedings, otherwise the company shall pay the same.

Sec. 9. That the said Company shall have power to borrow money on their bonds or notes, at such rates as the Directors may deem expedient; provided, however, that nothing in this act shall be construed to confer banking privileges of any kind.

Sec. 10. That upon the written request of one-fourth of the stockholders, the President of the Company, shall call a special meeting of the Directors; and upon the written demand of three-fourths of the stockholders, the President shall remove any one, or the whole of the Directors, and order a new election within

thirty days, which Directors so elected, shall hold their office until the time prescribed for the next regular election.

Sec. 11. That said Company shall commence work within one year after the passage of this act, and shall complete a section of twenty-five miles of their road within two years thereafter, or this charter will be null and void.

Sec. 12. That a majority of the Directors of this Company shall be citizens of this State, and their principal office shall be in the State of Texas, and further, that all elections for officers of the company, shall be held where said office is located.

Sec. 13. That the Company is hereby required at all reasonable times, and for a reasonable compensation, to draw over their road the passengers, merchandize, and cars of any other railroad corporation, which has been or may hereafter be, authorized by the Legislature to enter with their railroad, and connect with the railroad of this Company, and if the respective Companies shall be unable to agree upon the compensation aforesaid, it shall be the duty of the President of each Company, to select each, one man as a Commissioner, and the two commissioners so selected shall choose a third in case of disagreement, neither of whom shall be a stockholder in either road or interested therein, and they shall fix the rates, which shall not be changed for one year from the time of going into effect. The said commissioners shall also fix the stated periods at which said passengers and cars are to be drawn as aforesaid, having reference to the convenience and interests of said corporation, and the public who shall be accommodated thereby. The right or power is especially conferred on this company, to connect and contract with any railroad heretofore or hereafter chartered, for the performance of like transport, and in case of disagreement between companies, the same shall be referred and settled as aforesaid, to be binding for one year as aforesaid.

Sec. 14. That this act of incorporation shall expire in ninety years, unless it shall be renewed or extended.

Sec. 15. That this Company shall be subject to the provisions, and be entitled to the benefits of any general laws which have been or may be enacted by the State, regulating or encouraging the construction of railroads, and that the Company shall be entitled to all the benefits of an act entitled an act to encourage the construction of railroads in Texas by donations of land, passed January 30th, 1854, and on the first twenty-five miles of said road to the benefit of an act entitled an act to provide for the investment of the special school fund in the bonds of railroad companies incorporated by the State. This charter shall,

in all cases, be subject to, and subordinate to the general railroad laws of this State.

Approved February 3rd, 1860.

CHAPTER 90.

An Act to incorporate the Western Texas, Life, Fire and Marine Insurance Company, of the city of Indianola, State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That Henry Runge, William P. Milby, John E. Garey, John H. Dale, Henry J. Huck, E. Wood, Augustus Fromme, J. M. Reuss, Jefferson Beaumont, John F. McKinney, W. N. Fant, T. S. Coats, D. M. Stapp, and G. B. Dycus and their present and future associates, successors and assigns be, and are hereby incorporated and created a body corporate and politic, under the name and style of the Western Texas Life, Fire and Marine Insurance Company of the city of Indianola, State of Texas, with capacity in said corporate name to make contracts, to have succession and a common seal, to make by-laws for the government and regulation of the Company, to sue and be sued, to maintain any action to final judgment and execution, to plead and be impleaded, to grant and receive, and generally to do and perform any and all such acts as may be necessary or proper for, or incidental to the fulfillment of its obligations or maintenance of its rights, under this act, and in accordance with the constitution of this State and of the United States.

Sec. 2. The capital stock of said corporation shall be not less than one hundred thousand dollars, nor more than one million dollars, divided into shares of twenty dollars each, which shall be deemed personal property and shall be assignable and transferable according to such rules and regulations as the stockholders in the by-laws of said Company shall for that purpose ordain and establish.

Said stock shall be subscribed and paid in, as in this and the following sections may be provided.

Within six months after this act goes into effect, the said Dycus and his associates shall cause Books of subscription to the capital stock of said Company to be opened under his or their superintendence in the city of Indianola. No subscription shall

be received from any person who at the time of subscribing does not pay into the hands of the Superintendents or Commissioners as above set out, five per centum on the amount of his subscription. Each subscriber to the capital stock of said Company, shall in addition to the payment of five per cent. as provided in the section above, be required to give his note for the balance of his subscription, secured by two or more good endorsers or by mortgage on real estate.

That whenever any installment of said capital stock shall be required to be paid by the President and Directors of said Company, if any stockholder shall fail or refuse to pay any such installment so required to be paid, the share or shares upon which such installment has not been paid, may be sold by said corporation, in such manner as may be provided by the by-laws and regulations of said Company, and all rights and interest in and to said share or shares shall inure to the benefit of the purchaser or purchasers thereof, upon said purchaser or purchasers giving security for the unpaid balance of said share or shares as herein provided for the original holder of said stock. But such sales shall not release the original holder thereof nor his or her securities, or the notes contemplated to be given in this section, from his, her or their liability on account of said notes to any person or persons having a just claim against said corporation which shall have accrued before such sale: provided, further, that no stockholder shall be released from his or her liability as above, on assigning any of his stock, until his assignee, ing notes for the unpaid balance of stock assigned, as herein provided shall assume all his or her liability on account of said stock, by given for the original holder.

Sec. 3. That the affairs of said Corporation shall be managed by not less than five nor more than nine Directors, the stockholders may determine, who shall be elected by the stockholders annually, on the first Monday of January in each year at the city of Indianola, after the organization of said Company as hereafter provided.

Said Directors shall hold office for the term of one year and until others are elected, and shall be holders respectively of at least ten shares of the capital stock.

The Directors shall at their first meeting after their election choose one of their own number as President.

In all elections for Directors the vote shall be by ballot, each stockholder having one vote for each share he or she may hold. In case of absence, any stockholder under the conditions above may vote by proxy in writing: Provided, that until the first

annual election for Directors of said corporation, shall be held under the provisions of this act, the said Dycus and his associates shall have and may exercise all the powers given to the President and Directors by this act.

Sec. 4. That the Directors of said corporation for the time being, any two of whom including the President shall form a quorum, shall have power to appoint such officers, clerks, agents, and other persons as shall be necessary for conducting and executing the business of the corporation, and to allow such persons so appointed such compensation for their services as the Directors shall deem reasonable and just, and generally to exercise all other authority and powers for the well-ordering and governing of the affairs and funds of said corporation.

Sec. 5. Said corporation shall have power to issue policies of Insurance against loss or damage by fire on houses, stores and all other buildings or structures and on personal property of any and all description; to take marine risks on steamboats, vessels, and all kinds of water crafts their tackle apparel, rigging, freight and cargoes, and on all kinds of personal property in course of transportation by land or water; to insure on lives, and to do and perform all other necessary acts connected with a general life, fire and marine insurance business.

All policies of insurance shall be subscribed by the President and attested by the Secretary of the Company, and for the business so transacted said corporation may charge, collect and receive such premiums of Insurance as the President and Directors may deem just, reasonable and commensurate with the risk.

Sec. 6. That all dividends that may be declared by said Company shall be applied to and endorsed on the unpaid stock notes of the party entitled to the dividend, until such notes are paid in full: provided no dividends shall be declared except from the actual net earnings of the Company.

Sec. 7. The office of the Company incorporated by this act shall be located in the city of Indianola, and the books of the Company shall be kept there, and shall be open to the inspection of the stockholders of said Company at all reasonable times.

So soon as ten per cent. on \$100.00 of the capital stock of the Company has been paid by the stockholders to the proper officers of said Company and the residue of said \$100.00 of capital stock has been secured to be paid when called for. as contemplated in the second section of this act, and it shall be established to the satisfaction of the County Court of Calhoun county, that the Directory of said Company has been organized

in conformity with the provisions of this act, then said County Court shall give them a certificate thereof, which shall be their warrant to commence business operations under the authority conferred by this act. Before the said County Court shall give said certificate, it shall be satisfied that the requisite amount of stock has been taken; that the calls required to be previously paid in, have actually been paid in, and that the security given is adequate to fully meet the call at any time for the entire amount of each subscription.

Sec. 8. Any increase in the capital stock of said Company beyond \$100,000 shall be by resolution of the stockholders at some regular annual meeting—notice of which shall be given by due publication—after which subscriptions shall be received for the proposed increase of capital stock. Said subscriptions shall be subject to all the conditions of original subscribers to the capital stock of said Company.

Sec. 9. In case the corporation created by this act, shall fail, refuse or be unable to pay any judgment which may be recovered against the same, the person or persons interested in such judgment shall have a right of action against each stockholder thereof, and his, her or their securities on the notes required to be given by section second of this act, until such judgment or judgments are satisfied: provided, that no stockholder shall be liable for the amount of his stock.

Sec. 10. The officers of said corporation shall during the month of January of each year after the organization of the Company, cause a full and accurate statement of the affairs of said Company to be made, and published at least three weeks in some newspaper published at Indianola, which statement shall be signed by the President and Secretary of the Company.

Sec. 11. The Board of Directors may at any time make an order, that the stockholders be required to renew his note contemplated to be given under the provisions of this act; and when notice of such order shall be given to said stockholder, if he fail to comply therewith within thirty days, by giving a new note with security, he shall cease to be a member of said corporation, and thereupon his stock shall be cancelled, an account taken, and any amount found to be justly due to said stockholder shall be paid over to him.

But the cancellation shall not release the holder thereof, nor his or her sureties on the stock notes from his or her or their liability on account of said notes to any person or persons having a just claim against said corporation, which shall have occurred prior to such cancellation.

Sec. 12. Said corporation shall have the power to loan out any surplus funds they may have on hand derived from the profits of their business operations, or otherwise to dispose of or invest the same in the same manner as a private individual. Provided, that it shall in no wise encroach upon or prejudice the capital stock of said corporation; and, further provided, that this charter shall hold and continue in force for the term of twenty years and no longer.

Sec. 13. That this act shall take effect and be in force from and after its passage.

Approved 3rd February, 1860.

CHAPTER 91.

An Act to incorporate the Richmond Insurance Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That there may be, and is hereby established, in the town of Richmond, in the county of Fort Bend in this State, a Company for the purpose of transacting a general insurance business, which Company shall be called and known by the name of the Richmond Insurance Company, and the stockholders and their successors shall have continuous succession, and by that name shall be capable of suing and being sued in all the Courts of this State, and of purchasing, holding and conveying property of all descriptions, not to exceed in value twenty-five thousand dollars at any one time; to make, have and use a common seal, and the same to alter and renew at pleasure, and generally to do any act necessary to carry into effect the objects of the corporation, not inconsistent with the laws and constitution of this State or of the United States.

Sec. 2. Be it further enacted, That the capital stock of this Company shall be one hundred thousand dollars, to be divided into one thousand shares of one hundred dollars each, and the same to be paid in the following manner: Ten dollars on each share at the time of subscription, the residue at such time as the President and Directors may direct; which said capital stock may hereafter be increased to three hundred thousand dollars by the President and Directors of the corporation whenever a majority of the stockholders shall by vote so direct. The said stock shall be deemed and held as personal property, and if any

stockholder shall neglect and refuse to make the payments as required, his stock may be sold by order of the President and Directors, in such manner as they may see fit to direct; and such stockholder shall be liable for the balance due by him as stockholder, to the corporation as it becomes due, and may be sued in the District Court of Fort Bend county in this State for the same.

Sec. 3. That the books of subscription shall be opened in the town of Richmond, for subscription to the capital stock of said Company, under the superintendence of James S. Sullivan, Robert J. Calder, N. Mayblain, P. Vogel, Gustave Cook, Hiram B. Waller, William D. Mitchell, and William P. Grayson, or any three of them. That said books of subscription shall be opened at any time prior to the first day of November, A. D. 1860, at such place in the said town in Richmond as the said Commissioners, or any three of them may direct; advertisement of the time and place of opening such books to be made for one week in a newspaper published in Richmond, and they shall be kept open until the said sum of one hundred thousand dollars shall be subscribed for; and the said Commissioners or any three of them, shall as soon as may be after the books of subscription are closed, call a meeting of the stockholders and shall proceed to the election of not less than three nor more than seven Directors, as may be determined by them; and the said Directors shall elect one of their own number President, and the said President and Directors elected in pursuance of this act, shall have full power and authority to make, appoint and remove at pleasure, all officers and agents of said corporation; to fix their compensation, prescribe their duties and provide for the taking of bonds from them for the faithful discharge of their duties and generally to manage the affairs of said corporation. They shall also, have power to fill any vacancy which may occur in their body, and also to appoint a President pro tempore when the President may be absent from their meetings, and if the President or any Director be absent without leave for five consecutive regular meetings of the Board, a majority of the same may declare his place vacant, and proceed to fill it without notice to such absent President or Director.

Sec. 4. That the Directors of the corporation shall call an annual meeting of the stockholders to make such election of Directors, who, when so elected shall hold their office for the term of one year, or until their successors are elected, and in all meetings of the stockholders, those holding a majority of the stock shall constitute a quorum, and each stockholder shall be

allowed one vote for each share of stock he holds; and the stock may be represented either in person or by proxy, and the power to cast the votes of absent stockholders may be constituted by any written expression of the stockholder so appointing a proxy vote for him: provided, that no stockholder who has failed to pay any installment upon his stock, which has been called for, shall be permitted to vote at any meeting of the stockholders.

Sec. 5. That said corporation shall have full power to make insurance upon steamboats and other river crafts, and boats of every kind, and all goods, wares and merchandize, slaves, bullion, money and other property, against all maritime and river risks, and upon houses, stores and other buildings, goods, wares and merchandize of every description, against loss or damage by fire and to fix a premium thereon; and it may loan its money or other properties to any person or persons on any security it may deem proper: provided, that nothing in this act shall be so construed as to authorize this corporation to use its monies or other property in any manner which it may not be lawful for any citizen of this State to do.

Sec. 6. The President and Directors of the Company shall annually or semi-annually divide to the stockholders thereof, so much of the profits of the business of the Company as in their discretion, they shall deem safe and proper; which dividend when declared, shall in the discretion of the President and Directors be endorsed on the unpaid stock notes of the party entitled to the dividend, until such notes are paid in full, or may in their discretion be paid to the parties entitled. But no dividend of any of the profits of the Company shall be made at any time unless the capital paid in remains unimpaired.

Sec. 7. So soon as the President and Directors of the Company shall establish by proof to the satisfaction of the County Court of Fort Bend county, that ten per cent. on one hundred thousand dollars of the capital stock of the corporation has been paid in by the stockholders to the Secretary of the Company, and that the balance or residue of said one hundred thousand dollars of the capital stock has been secured to be paid when called for, by the notes of the subscribers to said capital stock, well secured by not less than two good and solvent persons, or by mortgage on real estate sufficient to amply secure the same, and also shall establish to the satisfaction of said County Court, that the direction of said corporation has been organized in conformity with the provisions of this act, then said County Court shall give them a certificate thereof, which shall be their warrant to commence business operations under the authority conferred by

this act; and any increase in the capital stock of said Company beyond said sum of one hundred thousand dollars, shall be by resolution of the stockholders at their regular annual meeting; and the subscription to such increased stock shall be secured as in this section before provided; but the Company shall not be allowed to do business upon such increased capital stock, until the President and Directors shall have made proof to the satisfaction of said County Court of Fort Bend county, that ten per cent. on such increased stock has been paid to the Secretary of the Company, and that the residue of the subscriptions to such increased stock, have been secured to be paid in the manner as in this section provided in relation to the first one hundred thousand dollars of stock subscriptions, and said County Court shall have given a certificate thereof to said President and Directors.

Sec. 8. That the President and Directors of said corporation shall have power to fix the places and modes of transfer of certificates of stock, as well as the payment of interest and dividends; that a majority of the Board of Directors shall constitute a quorum for the transaction of business, and that said Board of Directors shall also have power to pass such by laws as may be necessary to carry this act into effect, to delegate authority to such officers or persons as they may deem proper, and to execute or authorize the executions of all such bargains and contracts as may seem to them best for the interests of the corporation.

Sec. 9. That said corporation shall be responsible to the extent of its property, and the stockholders to the extent of the amount of their respective stock not paid up. In case the Company shall fail, refuse or be unable to pay any judgment which may be recovered against the same, the person or persons or corporation interested in such judgment, shall have a right of action against each stockholder thereof, and his, her or their securities, on the notes required to be given by the seventh section of this act, until such judgment or judgments are satisfied, and the officers of the Company shall, during the month of January of each year, cause a full and accurate statement of the affairs of the Company to be made out and published at least one week, in some newspaper published in said town of Richmond, which statement shall be signed and sworn to by the President of the Company.

Sec. 10. That this charter and all the privileges and powers herein granted shall continue in force and effect for the full term of twenty years from the passage of this act, and that the

property, funds and business transactions of the corporation shall be subject to the same rate of taxation by law imposed on the property and similar transactions of individuals.

Sec. 11. That it shall not be lawful for any person to subscribe for, and hold by means of said subscription more than one-tenth part of the capital stock of said corporation; and that this act be in force from and after its passage.

Approved 4th February, 1860.

CHAPTER 92.

An Act for the relief of Ewing Clayton.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue patents to Ewing Clayton on two certain surveys in Titus county, one for twelve hundred and forty acres of land, and the other for forty acres of land, said surveys having been made by W. S. Stephens, Deputy Surveyor of Titus Land District, and which are now on file in the General Land Office. The twelve hundred and forty acre survey was corrected on the 24th day of September, 1858, and the forty acre survey was made on the 27th day of September, 1858: provided, that said Ewing Clayton, shall first pay into the General Land Office the sum of eighty dollars, and patent fees: and, provided, further, that this act shall not interfere with the rights of third parties.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved February 4th, 1860.

CHAPTER 93.

An Act for the relief of Alexander Miller.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to Alexander

Miller, a certificate for six hundred and forty acres of land, by virtue of said Miller having been introduced into Texas as a colonist of Fisher and Miller's Colony, and said certificate to be located, surveyed and patented as other certificates of a like character: Provided, he has never obtained a certificate for the same.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved 6th February, 1860.

CHAPTER 94.

An Act for the relief of Jose Maria Gonzales.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office, be required to issue to Jose Maria Gonzales, a certificate for one league of land as a donation for his services to the Republic of Texas: Provided, that said Gonzales has not heretofore received any land for such services.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved 6th February, 1860.

CHAPTER 95.

An Act to amend an act entitled an act to incorporate the Sabine and Rio Grande Railroad Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That the second section of the act entitled "an act to incorporate the Sabine and Rio Grande Railroad Company," be so amended as to read as follows:

Said Company shall be and is hereby invested with the right to locate, construct, own and maintain a railway, commencing at a suitable point on the Sabine river, near the 31st degree of north latitude, and running thence through or near the town of Burkeville in Newton county to such point on the Rio Grande,

below the mouth of the Los Moras as after exploration and survey may be selected as the point for crossing the Rio Grande, with a view to extend their railway through Mexico to some point on the Pacific ocean, at or near Mazatlan; and the Company, with the consent of the government of Mexico, may locate, construct, own and maintain within the Republic of Mexico, such railway or railways, with such rights and privileges within the said Republic, as by grants from the said Republic of Mexico, they may be authorized to locate, construct, own and maintain and to have, exercise and enjoy therein.

Sec. 2. That the third section of the said act be so amended as to read as follows:

"That the capital stock of the said Company shall be one million of dollars, divided into shares of ten dollars each, which shall be deemed personal property, and may be transferred in such manner, and in such places as the by-laws of the said Company may direct; provided, that if the capital stock of the said Company or the actual amount at any time subscribed shall be deemed insufficient for the purposes of this act, it shall be lawful for said Company from time to time, to increase the said stock by the addition of as many shares as they may deem necessary, for which they may at their option, cause subscriptions to be received in the manner prescribed by them, or they may sell the same for the benefit of said corporation."

Sec. 3. That the fifth section of the said act be, and is hereby amended so as to read as follows:

"That the management and direction of the said Company, shall be vested in a Board of five or more Directors, whose number, powers, duties, and compensation shall be prescribed in the by-laws, and who shall elect one of their own number to be President and may choose a Secretary, Treasurer and such other officers and agents as they may deem expedient; and a majority of said Directors shall reside in this State, and they shall before the first day of January next, establish an office in this State, in which shall be kept a record of their proceedings; and the owners of a majority of the shares may at any time after the passage of this act, proceed to a new election of Directors, at which election any shareholder having the requisite number of shares shall be eligible to be chosen a Director."

Sec. 4. That the fourteenth section of said act be, and is hereby so amended as to read as follows:

"That the Directors be, and are hereby authorized to pay to the shareholders entitled to receive the same, until the said road shall be completed on all installments paid by them, interest

at the rate of ten per cent. per annum, which interest shall be charged to the account of construction, and when their said road shall have been completed; semi-annual dividends of so much of the profits, as the corporation may deem expedient, shall be paid to the stockholders, and no dividends shall be made to a greater amount than the net profits, including the proceeds of the sales of lands, after deducting all expenses; and the President and Directors may retain such portion of the proceeds of the sales of lands and of the profits as they may deem proper to retain as a contingent fund."

Sec. 5. That the twenty-fifth section of said act shall be, and is hereby so amended as to read as follows:

"That no member of the Board of Directors, officer or agent of the Company, shall vote for the payment of any claim against the Company in which said Director, officer or agent is personally interested, nor shall any Director, officer or agent of the Company purchase any land or buildings on the line of their Road, without first having obtained the consent of said Company."

Sec. 6. That if the said Company shall form any connection with any other railroad company, which may be authorized to construct a railroad, in whole or in part, over the route, which after survey may be selected as the route of the Sabine and Rio Grande Railroad, the said companies may, by agreement between them, consolidate their capital stock under the name and style of Sabine and Rio Grande Railroad Company, and the companies thus consolidated, may and are hereby authorized to become one Company, with all the rights, powers and privileges pertaining to either, under their several charters: provided, that the said Company shall not be authorized to construct more than one line of railway, over the route of the railways, which the companies thus consolidated, may be authorized by their respective charters to make; and, provided, further, that if the said Company thus consolidated, shall within the two years next ensuing after the passage of this act, have completed twenty-five continuous miles of the railroad on the line of the road chartered by the act to which this is an amendment, it shall suffice to prevent any forfeiture on account of the non-construction of such other part of the railways embraced within the charters of the companies thus consolidated, as may by the respective charters, be required to be completed within that period: provided, that nothing in this act contained shall be construed to give this Company any right to claim any land from the State for any portion of railway, constructed by any company, with

which this Company may at any time consolidate, and in which such other company may have received lands from the State under their charters or the general laws of the State for the encouragement of the construction of railroads; nor, shall it be construed to extend the right to receive land under the provisions of the twenty-sixth section of said original charter, for a longer time than ten years after the approval of said original charter.

Sec. 7. That notwithstanding the provisions of an act, supplementary to an act amendatory of an act to regulate railroad companies, approved February 7th, 1858, the said Company shall have the additional term of one year to complete the subscription of six hundred thousand dollars, and of two years to make the requisite surveys and location of their road: Provided, that this road shall be subject to all the requirements of the general railroad law of this State; and this act to be in force from and after its passage.

Approved 6th February, 1860.

CHAPTER 96.

An Act to permanently locate the seat of Justice of Tarrant county.

Section 1. Be it enacted by the Legislature of the State of Texas, That an election shall be held in the county of Tarrant on the second Monday in April, 1860, for the purpose of selecting a suitable location for the seat of Justice of said county, and it shall be the duty of the Chief Justice of said county to give public notice of said election and issue orders for holding the same at the different precincts in said county, at least twenty days previous to said election.

Sec. 2. Said election shall be held and conducted in conformity with the general laws regulating elections, as to qualifications of elections, and in all other respects not herein especially provided for; and the returns shall be made to the Chief Justice of said county within ten days after the election, who shall publish the result and declare the place receiving the highest number of votes the permanent seat of Justice of said county: provided, Fort Worth, Birdville, the geographical center of said county, and any other places may be voted for at said election, and, provided, any one place shall have received

a majority of all the legal votes polled at said election; but, in the event no one place shall have received a majority as aforesaid, then it shall be the duty of the Chief Justice to order another election; after giving notice as in the first election, putting in nomination the two places which have received the highest number of votes; which election shall be conducted in all respects and the returns made as herein provided in the first election; and the place then receiving the highest number of votes shall be declared the seat of Justice for said county of Tarrant.

Sec. 3. Any person wishing to contest either of the elections above provided for, may within ten days after the return day, give notice in writing to the Chief Justice of said county, and deliver to him a written statement of the grounds on which he relies to sustain such contest, and the said Chief Justice shall forthwith give notice of said contest by posting up a notice at the door of the house in which the District Court was last held, and at two other public places in said county; and any citizen may within ten days after the putting up of said notice, deliver to said Chief Justice a written reply to the statements of the contestor, and said Chief Justice shall immediately after the expiration of the ten days, transmit to the Chief Justice of Ellis county, said statement and answer together with all the original ballots, returns, poll books and other papers connect with said election, and at any time after said answer is handed to the Chief Justice of Tarrant county, and the issues made up between the parties contesting and defending said election, either party may proceed to take testimony by deposition as provided for under the general law for contesting elections; and the Chief Justice of Ellis county shall at any time after he receives said papers, proceed to hear and determine said contested election, after first giving the contestant and the party answering thirty days' notice of the time and place of said trial, by written notice served upon them by the Sheriff of Tarrant county, and after said trial, shall forthwith transmit his decision in writing to the Chief Justice of Tarrant county, who shall thereupon publish and declare the two places so decided as receiving the highest number of votes as the contending places for the second election; or if the contest was had as to the second election, shall publish and declare the place in favor of which the decision was made as the permanent seat of Justice of said county: Provided, the unsuccessful party may at any time within ten days appeal from said decision to the judge of the sixteenth Judicial District, who shall hear and determine

the same at the next term of the District Court of Tarrant county, upon the proof which was used in the trial before the Chief Justice of Ellis county, either party having the right to continue said trial for good cause shown; and the unsuccessful party shall be liable for the costs in the trial before the Chief Justice of Ellis county, which shall be the same as costs in the District Court, and said Chief Justice shall tax the same and issue execution therefor; and the party appealing shall give bond with sureties as in other cases of appeal, and the party failing in the District Court shall pay all the costs on both trials for which execution shall issue from said District Court as in other cases of appeal.

Sec. 4. The contractors who have undertaken to build the court-house in the town of Fort Worth, shall have twelve months from the final decision of the question of the location of the county seat to complete their contracts, and said contractors and the parties who have bound themselves to furnish means for building said court-house, shall be released from their obligations if the seat of justice is not permanently located at Fort Worth; but if it is so located, said obligations shall continue in force and effect; and, if the seat of Justice is removed from Fort Worth, the public square and all other property real and personal which has been donated to said county of Tarrant in and about Fort Worth, shall revert to the donors.

Sec. 5. It shall be the duty of the Chief Justice of Tarrant county to receive and make public by notices posted up at each precinct, on the days of the elections above provided for, any propositions to offer bounties for the location of the seat of Justice of said county which may make offers therefor, and all such propositions shall be in the form of penal bonds with sureties payable to the Chief Justice of said county and his successors in office, for the use of the county, and may be sued on and recovered in the District Court of said county.

Sec. 6. The County Court of said county shall have power at any time after the permanent location of said seat of Justice, to appoint three or more Commissioners to contract for and superintend the building of a court-house and jail for said county.

Sec. 7. This act shall take effect from and after its passage.

Approved 7th February, 1860.

CHAPTER 97.

An Act to relinquish the State Tax for the year 1859 and 1860, to the county of Orange and the county of Navarro for the purposes therein mentioned.

Section 1. Be it enacted by the Legislature of the State of Texas, That nine-tenths of the State tax hereafter to be collected under law, on the assessment made for the year 1859 and 1860, in the county of Orange and the county of Navarro, are hereby relinquished to said counties.

Sec. 2. That the taxes thus relinquished be set apart and appropriated exclusively under direction of the County Courts of said counties, for the purpose of building a good and substantial courthouse or jail in each of said counties.

Sec. 3. That said tax be assessed and collected by law regulating the same, returns of the assessment rolls be made, and one-tenth of said tax to be passed to the credit of the free common school fund, and nine-tenths of said tax on property situated in counties other than that in which the assessment is made, for the benefit of the said counties, shall be made by the Assessors and Collectors to the Comptroller, at the time provided by law, and it shall be the duty of the Assessor and Collector of said county to use the forms and pursue the instructions of the Comptroller as heretofore. And the County Courts shall exercise a general supervision over the Assessor and Collector and the Treasurer, and in case of any delinquency or defalcation of said officers, said Court shall have power to remove or suspend said officers, and do any other thing necessary to the protection of the interests the county and State, and the punishment of said offending officer or officers.

Sec. 4. That the Assessor and Collector shall monthly pay over to the Treasurer of the county all monies collected under this act, and report to the County Court at each regular meeting the time and amount of said payments, and submit to said Courts whenever required, his books and accounts, and also, make an annual settlement at the same time he is now required to make his final settlement with the Comptroller under existing laws; and it shall be his duty to use the forms and pursue the instructions of the Comptroller as heretofore: Provided, said Assessor and Collector and county Treasurer shall collect and account for gold and silver only.

Sec. 5. That the liability of the Assessor and Collector shall be as heretofore and as provided for in section third; and in the event of any Assessor and Collector failing or refusing to

comply with the laws regulating the assessment and collection of taxes, said officer and his securities shall be prosecuted by the District Attorney of the District where such officer resides, on the bond or bonds he may have executed to the State of Texas and county, for the faithful discharge of such officer's duty, and a certified copy of such bond by the county clerk of the county where such bond is of record, shall be entitled to the same degree of credit, that the original bond would be if produced in Court.

Sec. 6. That it shall be the duty of the District Attorney of the District in which said Assessor and Collector may reside to prosecute all delinquent tax collectors, when notified by the County Court that such officer, if residing in his District, has failed to assess and collect the taxes in said county in the manner provided for by law, and a statement of such officer's accounts, certified by the County Court of the county, shall be prima facie evidence of such officer's delinquency, and the District Attorney shall prosecute the cause in the manner provided for by law; and the proceeds of such prosecution shall be paid into the county Treasury.

Sec. 7. That the Treasurer of the county shall report to the County Court of his county, at each regular meeting of said Court, the amount of money in the Treasury, when and from whom received, and account for all monies paid out; none of which shall be disbursed, except by order of the Chief Justice attested by the county clerk. He shall enter into bond to the county in a sum which the County Court may consider double the probable amount of the relinquished State tax for the term of two years, in addition to the bond now required by law, and his liability shall be as heretofore.

Sec. 8. That the pay allowed the Assessor and Collector for going to and returning from the seat of government to settle his accounts, shall be as heretofore provided by law; the same be paid out of the county Treasury, on the certificate of the Comptroller, that the said Assessor and Collector has settled his accounts.

Sec. 9. That the Comptroller shall receive the taxes due from non-residents of the State, and nine-tenths of the State tax assessed on property in the counties mentioned in this act, shall be paid by the Comptroller, upon the order of the County Court entitled to the same.

Sec. 10. That the county Treasurer shall be entitled to receive two per cent, for receiving, and the same rate for paying out monies received under this act, and no more.

Sec. 11. That if the Assessor and Collector or county Treasurer of the counties mentioned in this act, shall fail or refuse to pay over any monies that may come into his hands under this act, he shall be considered guilty of embezzlement, and upon indictment and conviction thereof, shall be punished as provided in the penal code.

Sec. 12. That this act take effect and be in force from and after its passage.

Approved 7th February, 1860.

CHAPTER 98.

An Act for the relief of the heirs of Shelby Corzine.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and is hereby required to issue to Sarah Corzine, administratrix of Shelby Corzine, assignee of Wm. Ragland, a certificate for one-third of a league of land, in accordance with the decree of the District Court of San Augustine county, rendered on the 8th day of March, 1838: Provided, that no headright certificate has heretofore been issued in the name of, or for account of said Wm. Ragland; which certificate shall be located, surveyed and patented as other headright certificates.

Sec. 2. That this act take effect from and after its passage.

Approved 7th February, 1860.

CHAPTER 99.

An Act granting land to the Lavaca Navigation Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Lavaca Navigation Company shall be entitled to eight sections of land for each mile they may complete on their work on Matagorda and Lavaca bay: Provided, the same is made so as to give complete and perfect navigation to Lavaca in accordance with the provisions of their charter, and is accepted by the State Engineer or other person appointed to

inspect the said work; and the engineer or other officer examining the same shall be satisfied that the permanent navigation will thereby be secured. The lands hereby granted shall be located and surveyed in the same manner as provided by law for the location and survey of lands granted to railroad companies under the provisions of the general laws granting sixteen sections of land for each mile of railroad constructed.

Sec. 2. That upon the completion of said work, and a report of the same is made by the State Engineer or other person appointed for that purpose, the Commissioner of the General Land Office shall issue to said Company, eight sections of land for each mile finished: Provided, said Company shall not be entitled to land on more than six miles; and, further, Provided, said Company shall only be entitled to land under this act for work done within five years from the passage of this act, and that this act take effect and be in force from and after its passage.

Approved 8th February, 1860.

CHAPTER 100.

An Act to release Benjamin A. Campbell, James Ingram Nuner and Francis J. Lewis from the disabilities of minority.

Section 1. Be it enacted by the Legislature of the State of Texas, That Benjamin A. Campbell of Anderson county, James Ingram Nuner of Victoria county, and Francis J. Lewis of Galveston county, minors, be and they are hereby released from all the legal disabilities of minority; and they are hereby authorized to take charge and manage their estates real and personal and transact business, and shall be responsible and liable for all their actions and contracts as though they were twenty-one years of age: Provided, they shall not be allowed to vote until they arrive at the age of twenty-one years.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved 8th February, 1860.

CHAPTER 101.

An Act for the relief of the heirs of William Beeks.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office is authorized to recognize as a valid certificate, and to issue a patent on the same to the heirs of William Beeks, that certificate filed in his office, file 1642, Milam 3d class, filed Nov. 3, 1857, issued by Solomon J. Thomas, Clerk of the County Court of Wharton county, to William Beeks, as and for his unconditional certificate to three hundred and twenty acres of land, granted to him by the County Court of the county of Wharton, on the 10th day of February, 1847, by virtue of conditional certificate No. 78, class 2, Fort Bend county, and the same is hereby made valid.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved Feb. 8, 1860.

CHAPTER 102.

An Act for the relief of K. Bigham White.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office, be and he is hereby authorized to issue to K. Bigham White, a headright certificate for six hundred and forty acres of land, to be located upon any of the not otherwise appropriated public domain of the State of Texas, and patented as other genuine land scrip: Provided, that the said K. Bigham White has never received any land from the Republic of Texas, by virtue of his emigration to the Republic.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved Feb. 8, 1860.

CHAPTER 103.

An Act for the relief of Jacob S. Horn, John T. Grisham and James Y. Pistole.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office, be authorized and required to issue a patent to Jacob S. Horn, John T. Grisham, and James Y. Pistole, to the following described land, situated in Leon county:

Beginning at N. 84° W. 880 varas from N. W. corner of the Joseph Wilson Survey, thence north, thence east, thence south, thence west, so as to include ten (10) acres, it being vacant land: Provided they have the land surveyed and the field notes returned to the General Land Office, and pay one dollar per acre and patent fee: Provided, further, that this land be used for educational and religious purposes. This act to take effect from and after its passage.

Approved February 8th, 1860.

CHAPTER 104.

An Act for the relief of the heirs of John Grogan, deceased.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to the heirs of John Grogan, deceased, a bounty land certificate for nineteen hundred and twenty (1920) acres of land; also a headright certificate for one-third of a league of land: Provided the said Grogan, his heirs or assigns have never received the same.

Sec. 2. That the said bounty and headright certificates may be located on any unappropriated land of the public domain of the State of Texas, and said land shall be surveyed and patented in a like manner as other bounty and headright land.

Sec. 3. And this act be in force from and after its passage.

Approved Feb. 26, 1860.

CHAPTER 105.

An Act for the relief of the widow and heirs of Lorenzo De Zavala, deceased, Vice President of the late Republic of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Treasurer of the State, be and he is hereby authorized and required to pay to the widow and heirs of Lorenzo De Zavala, deceased, late Vice President of the Republic of Texas, seventeen hundred and fifty (1750 00) dollars, out of any money in the Treasury not otherwise appropriated; being for salary due him, the said Zavala, as Vice President of the late Republic of Texas, and that this act take effect from and after its passage.

Approved 8th February, 1860.

CHAPTER 106.

An Act for the relief of Myram Mudget, Daniel Kitchings, A. L. Spencer and E. G. Cantwell.

Section 1. Be it enacted by the Legislature of the State of Texas, That certificate No. 41, issued by the County Court of Grayson county, 28th March, 1853, to Lemuel J. Edwards, assignee of Myram Mudget, for 640 acres be declared valid, and that the Commissioner of the Land Office patent the same as other Peter's Colony certificates; and the Commissioner shall issue to Daniel Kitchings, A. L. Spencer and E. G. Cantwell, as single men and colonists in said colony, each a certificate for three hundred and twenty acres of land; which several certificates, when issued, may be located on any vacant and unappropriated public domain within the limits of Peter's colony, and may be surveyed and patented as other Peter's colony certificates: Provided, that if it shall appear by the books of the General Land Office, that either of said persons has received the lands to which he is entitled as such colonist, the person or persons, so having received their land, shall not be entitled to the benefit of this act; and the certificates heretofore issued by the County Court of Cook county, to the said Spencer and Cantwell, for 640 acres each, be cancelled by Commissioner

of the General Land Office; and that this act take effect and be in force from and after its passage.

Approved February 8th, 1860.

CHAPTER 107.

An Act for the relief of the Buffalo Bayou, Brazos and Colorado Railway Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That said Company be and they are hereby authorized to construct a good and substantial railroad bridge across the Brazos river on the line of said road, said bridge to be constructed above high water mark, so that steamboats may pass under the same at a mesne boating stage of water by lowering the chimneys.

Sec. 2. That this act take effect from and after its passage.

Approved 8th February, 1860.

CHAPTER 108.

An Act for the relief of James Herndon.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Treasurer be authorized to pay to James Herndon the amount of audited certificate No. 4852, class second, issued in favor of Rufus Anderson for services rendered as a member of John M. Carrah's company of rangers; Provided sufficient proof is made to satisfy the Treasurer that said Herndon is the owner of said claim.

Sec. 2. That this act take effect from its passage.

Approved 8th February, 1860.

CHAPTER 110.

An Act to incorporate the Masonic and Odd Fellow Male and Female Academy.

Section 1. Be it enacted by the Legislature of the State of Texas, That D. W. Sherrill, R. M. Phillips, B. M. Berry, F. M. Martin, F. W. Wade, James Gallimore, James W. Page, and Richmond Ingram, of the county of Navarro, are hereby created and declared a body corporate and politic, by the name and style of the Trustees of the Masonic and Odd Fellow Male and Female Academy, and by that name shall sue and be sued, plead and be impleaded, in any of the courts of this State, shall have power to contract and be contracted with, and shall have power of electing or appointing their successors in office, and shall be perpetual, and hold property, real, personal, or mixed, for educational purposes, not to exceed in value thirty thousand dollars, and may procure a seal to authenticate their acts; and this act remain in force for the term of twenty years, and take effect and be in force from and after its passage.

Approved Feb. 8, 1860.

CHAPTER 111.

An Act to incorporate the Matagorda Railroad Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That A. Wadsworth, John W. McCamby, Galen Hodges, E. A. Pearson, James H. Selkirk, Robert H. Williams, M. Talbot and John H. Jones be, and they are hereby appointed Commissioners to open books and receive subscriptions to the capital stock of a corporation, to be styled the Matagorda Railway Company. A majority of said Commissioners shall constitute a quorum to do business; public notice shall be given of their meetings by publication in a newspaper in Matagorda, for six weeks before the time of meeting. They shall receive no subscriptions unless five per cent. in cash is paid thereon, at the time of subscribing.

Sec. 2. The capital stock of said Company is fixed at five hundred thousand dollars, to be divided into shares of one hundred dollars each.

Sec. 3. The subscribers to said capital stock, as soon as the

sum of fifty thousand dollars of the same is subscribed, are hereby created a body corporate and politic by the said name and style of the Matagorda Railway Company, with capacity in said corporate name to have succession and a common seal, to sue and be sued, to make contracts, to grant and receive, and generally to do all such acts as may be necessary and proper for the fulfillment of its obligations, the maintenance of its rights and the completion of the work which by this act it is authorized to construct.

Sec. 4. The said Company shall have the right to construct, own and maintain a railway between some convenient point in the county of Matagorda on the line of the road of the Houston Tap and Brazoria Railway by the most convenient route. and the town of Matagorda; commencing their work at either end of the road. And the said Company shall have the right by consent of a majority of the Directors of the said Houston Tap and Brazoria Railway Company living west of the Brazos River, to connect their road with the road of said Company, and shall be authorized to adopt the same gauge that may be adopted by said Company.

Sec. 5. The control and management of said corporation is vested in a Board of five Directors, who shall elect one of their own number to be President of the Company. So soon as fifty thousand dollars of the capital stock of said Company has been subscribed in the manner provided, the Commissioners shall cause an election to be held at Matagorda for said Directors; of this election five days' notice shall be given in the Matagorda paper. When the Directors are elected, the Commissioners shall pay over to them the amount received on subscriptions, deducting a reasonable compensation, and transfer to them all subscription obligations, stock books and papers. No person shall be a Director unless he holds for himself three shares of the capital stock of said Company. The Directors shall have power to fill vacancies in their Board arising from non-election or other cause, to appoint a Clerk, Treasurer and such officers and agents as they may deem necessary; to regulate the holding of meetings subject to the by-laws. A majority of the Directors shall have the power of a full Board; all contracts signed by the President shall be valid and binding, with the seal of the corporation, and attested by the Treasurer.

Sec. 6. The Directors shall be elected annually in the month of January, (after the first election) by a vote of the majority of the stockholders in amount, at a meeting of the stockholders called by the Directors, and of which public notice shall be

given by publication for thirty days previous, in a newspaper in Matagorda county. In such general meeting, the stockholders voting in proportion to the amount held by them, shall make such by-laws and regulations as they may deem necessary for the regulation of the affairs of the Company.

Sec. 7. The Directors shall have power to receive further subscriptions to the capital stock of the Company from time to time, until the full amount thereof shall be subscribed, but no subscriptions shall be received unless five per cent. of the same is paid in cash at the time of subscribing.

Sec. 8. The Company is vested with the right to enter upon and take lands for the purpose of locating and constructing their road and depots, and all necessary drains and turnouts, making compensation therefor in accordance with the laws; and shall be entitled to the benefit of all laws which have been, or may hereafter be passed to encourage the construction of railroads by donations of land.

Sec. 9. This Company shall commence their work in two years, and shall finish it in four years after the passage of this act.

Sec. 10. This charter shall continue in force for ninety years.

Sec. 11. This act shall take effect on its passage.

Approved 8th February, 1860.

CHAPTER 112.

An Act to amend an act entitled an act to incorporate the Columbus, San Antonio and Rio Grande Railroad Company, passed February 16th, 1858.

Section 1. Be it enacted by the Legislature of the State of Texas, That the first section of the above recited act be so amended as to read as follows:

That John N. Kelly, C. Ballard, R. M. Tevis, William Harbert, A. M. Campbell, William Vance, D. Y. Portis, John G. Logue, Stephen A. Stiles, John Monroe, A. M. Gentry, E. B. Nichols, Benj. B. Peack, D. S. H. Darst and George W. Smith and their proxies, associates and successors be, and they are hereby created and appointed Commissioners to open books and receive subscriptions to the capital stock of a Company to be styled the Columbus, San Antonio and Rio Grande Railroad

Company. But they shall receive no subscriptions to said capital stock unless five per cent. thereof in cash, shall be paid to them at the time of subscribing, and should said Commissioners receive subscriptions to said stock without said payment, they shall be personally liable to pay the same to said corporation when organized. Five of said Commissioners shall constitute a quorum to do business, and they may hold their meetings at such times and places as a majority shall designate: Provided, that notice of all such meetings shall be given by publication in one or more newspapers printed in the same county through which said road is to pass, at least twenty days before any such meetings.

Sec. 2. That the eighth section of the act above recited be so amended as to hereafter read as follows: "That said Company shall commence work within one year after the passage of this act, and shall complete twenty-five miles of said road within two years after the passage of this act, and fifty miles every two years thereafter or at that rate, until the same reaches San Antonio; and should said Company fail to commence and prosecute the road as herein prescribed, they shall forfeit all their rights and privileges to construct said road further under this charter; and should said Company prosecute their road beyond San Antonio to the Rio Grande, they shall commence within one year after reaching San Antonio and shall complete ten miles annually thereafter, under the same conditions and penalties as set forth in the preceding part of this section."

Sec. 3. That this act take effect and be in force from and after its passage.

Approved 8th Feb., 1860.

CHAPTER 113.

An Act supplementary to an act entitled an act to amend the caption and the first and sixteenth sections of an act to incorporate the Texas Western Railroad Company, approved February 16th, 1852, passed August 16th, 1856.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Southern Pacific Railroad Company be, and are hereby empowered and authorized to construct and operate under the franchises, rights, powers and privileges, conferred by

their charter, all amendments and supplements thereto, and the general laws of the State regulating Railroad Companies, a branch road or extension of their main stem from a point on the completed portion of the same to the Eastern boundary line of this State, a distance not exceeding seven miles in length, for the purpose of connecting, as may be agreed, with any Railroad extending from the Mississippi river, to such point on the Eastern boundary line of this State.

Sec. 2. As to such extension or branch, said Company shall be entitled to receive all the benefits, immunities, donations and loans conferred by an act to encourage the construction of railroads in Texas, by donations of lands, passed January 30th, 1854, and an act to provide for the investment of the special school fund, in the bonds of railroad companies, incorporated by this State, passed on the 13th day of August, 1856, and all amendments and supplements to said acts and their charter, upon the completion of such extension; provided said extension is completed in six months from the date of the completion of any railroad from Shreveport to the eastern boundary line of Texas, in the line of the route of the Southern Pacific Railroad.

Sec. 3. That said Company may have the right to connect and unite their road with any other railroad chartered by the State of Texas, with the assent of such other railroad running westwardly to the Rio Grande opposite to or near the town of El Paso, and after such junction, the companies mutually agreeing, may construct one trunk road to the western boundary of the State, the stock of said companies may become united, and after such connection shall have been formed with such other company, the extension of the road and all contracts may be made in the name of either company as may be agreed upon: Provided, no more land shall be granted for said common trunk, than by any general or special law is granted to the company, in the name of which the extension is made for each mile of road so constructed, and after such connection there shall be but one reservation of land allowed upon such road under all their charters, and the said Company shall not be entitled to any reservation of land upon the branch road, which by this act they are authorized to construct.

Sec. 4. That said Company may before or after such connection or union, extend, construct and operate their road from their western terminus to either Guayamas on the Gulf of California, or San Diego on the Pacific Ocean or to both, under and by virtue of any contract they may make with, or obtain from the proper authorities of the Territory over which such extensions

may pass, and may unite with any companies that may now or hereafter be formed or chartered by the authorities of any foreign or domestic Territory or State, to construct an extension of their road from El Paso to said Guayamus and San Diego or any other places on the Gulf of California and the Pacific Ocean, upon such terms and conditions as may be mutually agreed upon between the parties interested: Provided, that the means of this Company derived from this State shall not be appropriated in making such extensions until said Company shall have fully constructed and equipped their road and built all necessary and usual erections for the business operations of the same; Provided, that nothing in this act shall be construed to extend, preserve, revive or renew the chartered powers and privileges of the said Company, if the same have for any cause hitherto become liable to forfeiture.

Approved 8th February, 1860.

CHAPTER 114.

An Act to incorporate the Sulphur and White Oak Bridge and Plank Road Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That S. B. Maxey, J. Woodward and Ellis Bentley of Lamar county, and Major Dobbs and Mr. Campbell, Sr., of Titus county, and their associates and successors be, and they are hereby declared to be a body corporate and politic, under the name and style of the Sulphur and White Oak Bridge and Plank Road Company, under which name and style they may sue and be sued, plead and be impleaded, defend and be defended in any court of this State, and may have a common seal, which may be altered at pleasure.

Sec. 2. That said Company are hereby authorized to construct within three years of the passage of this act; a Plank Road through the bottoms or low grounds of the Sulphur Fork of Red River and White Oak Creek, upon the most direct and practical route from the city of Paris, Lamar county, to the town of Mount Pleasant in Titus county, (said route to be determined by the Company), and to build, construct and maintain bridges across said streams, at the points where said road crosses the same; and shall have power to purchase and

hold such property, real, personal, or mixed as may be necessary for the construction and maintenance of said road and bridges.

Sec. 3. That the capital stock of said Road and Bridge Company shall be fifteen thousand dollars, to be divided into shares of \$25, each, and so soon as six thousand dollars of said capital stock shall be subscribed, the stockholders aforesaid shall meet at such time and place as may be agreed upon, and elect from among their number, one President and three Directors, who shall hold their office for the term of twelve months.

Sec. 4. The said Company shall have power to enact such by-laws as may be necessary for the management of their affairs not inconsistent with the Constitution and laws of this State.

Sec. 5. That any two or more of the persons named in the first section of this act, shall as soon as practicable after the passage of this act, and after giving twenty days' notice thereof, cause books to be opened in the counties of Lamar, Red River, Hopkins, Titus and Cass, at such places as said Company may think advisable, and shall remain open for the subscription of stock as long as may be deemed necessary by such persons.

Sec. 6. That any timber upon any of the public domain of the State, may be used by the said Company in the building of said bridges and plank road, and keeping the same in repair free of any charge to the said Company.

Sec. 7. Should the County Court of the county in which either of the bridges and plank road is constructed, desire to purchase the same from the Company, they may do so by paying the said Company a fair price for the same, to be determined in the following manner, to-wit: The County Court may appoint a Commissioner to meet one appointed by the Company, who shall determine the value of the bridge sought to be purchased, and if said Commissioners cannot agree they are hereby empowered to select a third Commissioner, who together with the original Commissioners shall determine the price to be paid the Company by the court desiring to purchase, and whose decision shall be final.

Sec. 8. The privileges in this charter to said Company shall cease and determine after the expiration of twenty years from and after the passage of this act.

Sec. 9. That the said corporation shall be authorized to charge tolls, provided the rates shall never exceed the following charges, to-wit: For a road wagon loaded, drawn by four or six yokes of steers, fifty cents at each bridge; for an unloaded wagon, three or more yokes of steers, thirty cents; loaded wagon, one or two yokes of steers, thirty cents; for each additional yoke of

steers, ten cents, and the same rates, and in the same proportion when horses or mules are used instead of oxen; for a carriage with one or two horses or mules, twenty-five cents; horse and rider, ten cents; horses, mules and cattle (except stock cattle) three cents per head; stock cattle, one cent; and sheep and hogs, two cents per head.

Sec. 10. That the said Company be, and they are hereby required and bound to keep said bridge and plank road in good repair, and they are hereby made responsible for any accident caused by their negligence. And that this act take effect from and after its passage.

Approved 8th February, 1860.

CHAPTER 115.

An Act to incorporate the Clarksville and Red River Insurance Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That there may be established in the town of Clarksville, in the county of Red River in this State, a Company for the purpose of transacting a general insurance business, which Company shall be called and known by the name of the Clarksville and Red River Insurance Company, and the stockholders and their successors shall have continuous succession, and by that name shall be capable of suing and being sued in all the courts of this State, and of purchasing, holding and conveying property of all descriptions, not to exceed in value twenty-five thousand dollars at any one time, to make, have and use a common seal, and the same to alter and renew at pleasure, and generally to do any act necessary to carry into effect the objects of the corporation, not inconsistent with the laws and Constitution of this State or of the United States.

Sec. 2. The capital stock of this Company shall be one hundred thousand dollars, to be divided into one thousand shares of one hundred dollars each, and the same to be paid in the following manner: Ten dollars on each share at the time of subscription, the residue at such time as the President and Directors may direct, which said capital stock may hereafter be increased to three hundred thousand dollars, by the President and Directors of the corporation whenever a majority of the

stockholders shall by vote so direct. The said stock shall be deemed and held as personal property, and if any stockholder shall neglect and refuse to make the payments as required, his stock may be sold by order of the President and Directors, in such manner as they may see fit to direct, and such stockholder shall be liable for the balance due by him as stockholder to the corporation as it becomes due, and may be sued in the District Court of Red River county in this State for the same.

Sec. 3. That the books of subscription shall be opened in the town of Clarksville for subscription to the capital stock of said Company under the superintendence of A. K. Ellett, William H. Harrison, Hugh Rodgers, S. H. Morgan, Simon English and H. R. Latimer or any three of them. That said books of subscription shall be open at any time prior to the first day of November, A. D. 1860, at such place in the town of Clarksville as the said Commissioners, or any three of them, may direct, advertisement of the time and place of opening such books to be made for one week in a newspaper published in Clarksville, and they shall be kept open until the said sum of one hundred thousand dollars shall be subscribed for, and the said Commissioners, or any three of them, shall as soon as may be after the books of subscription are closed, call a meeting of the stockholders, and shall proceed to the election of not less than three nor more than seven Directors, as may be determined by them, and the said Directors shall elect one of their own number President, and the said President and Directors elected in pursuance of this act, shall have full power and authority to make, appoint and remove at pleasure, all officers and agents of said corporation, to fix their compensation, prescribe their duties, and provide for the taking of bonds from them for the faithful discharge of their duties, and generally to manage the affairs of said corporation. They shall also have power to fill any vacancy which may occur in their body, and also to appoint a President pro tempore when the President may be absent from their meetings, and if the President or any Director be absent without leave for five consecutive regular meetings of the Board, a majority of the same may declare his place vacant, and proceed to fill it without notice to such absent President or Director.

Sec. 4. That the Directors of the corporation shall call an annual meeting of the stockholders to make such election of Directors, who when so elected, shall hold their offices for the term of one year, or until their successors are elected, and in all meetings of the stockholders, those holding a majority of the stock, shall constitute a quorum, and each stockholder shall be

allowed one vote for each share of stocks he holds, and the stock may be represented either in person or by proxy, and the power to cast the votes of absent stockholders may be constituted by any written expression of the stockholders so appointing a proxy to vote for him: Provided, that no stockholder who has failed to pay any installment upon his stock which has been called for, shall be permitted to vote at any meeting of the stockholders.

Sec. 5. That said corporation shall have full power to make insurance upon steamboats and all other river crafts, and boats of every kind, and all goods, wares and merchandize, slaves, bullion, money and other property, against all maritime and river risks, and upon houses, stores and other buildings, goods, wares and merchandise of every description against loss or damage by fire, and to fix a premium thereon, and it may loan its money or other properties to any person or persons on any security it may deem proper: Provided, that nothing in this act shall be so construed as to authorize this corporation to use its monies or other property in any manner which it may not be lawful for any citizen of this State to do.

Sec. 6. The President and Directors of the Company shall annually, or semi-annually, divide to the stockholders thereof, so much of the profits of the business of the Company as in their discretion they shall deem safe and proper, which dividends, when declared, shall in the discretion of the President and Directors, be endorsed on the unpaid stock notes of the party entitled to the dividend, until such notes are paid in full, or may in their discretion be paid to the parties entitled. But no dividend of any of the profits of the Company shall be made at any time unless the capital paid in, remain unimpaired.

Sec. 7. So soon as the President and Directors of the Company shall establish by proof to the satisfaction of the County Court of Red River county, that ten per cent. on one hundred thousand dollars of the capital stock of the corporation has been paid in by the stockholders to the Secretary of the Company, and that the balance or residue of said one hundred thousand dollars of capital stock has been secured to be paid when called for, by the notes of the subscribers to said capital stock, well secured by not less than two good and solvent persons, or by mortgage on real estate sufficient to amply secure the same, and also shall establish to the satisfaction of said County Court, that the Directors of said corporation has been organized in conformity with the provisions of this act, then said County Court shall give them a certificate thereof, which shall be their warrant to commence business operations under the authority conferred by

this act, and any increase in the capital stock of said Company, beyond said sum of one hundred thousand dollars, shall be by resolution of the stockholders at their regular annual meeting; and the subscription to such increased stock shall be secured as in this section before provided; but the Company shall not be allowed to do business upon such increased capital stock, until the President and Directors shall have made proof to the satisfaction of said County Court of Red River county that ten per cent. on such increased stock has been paid to the Secretary of the Company, and that the residue of the subscriptions to such increased stock has been secured to be paid in the manner as in this section provided in relation to the first one hundred thousand dollars of stock subscriptions, and said County Court shall have given a certificate thereof to said President or Directors.

Sec. 8. That the President and Directors of said corporation shall have power to fix the places and modes of transfer of certificates of stock, as well as the payment of interest and dividends. That a majority of the Board of Directors shall constitute a quorum for the transaction of business, and that said Board of Directors shall also have power to pass such by-laws as may be necessary to carry this act into effect, to delegate authority to such officers or persons as they may deem proper, and to execute or authorize the execution of all such bargains and contracts as may deem to them best for the interests of the corporation.

Sec. 9. That said corporation shall be responsible to the extent of its property, and the stockholders to the extent of the amount of their respective stock not paid in. In case the company shall fail, refuse, or be unable to pay any judgment which may be recovered against the same, the person or persons or corporation interested in such judgment, shall have a right of action against each stockholder thereof, and his, her or their securities, on the notes required to be given by the seventh section of this act, until such judgment or judgments are satisfied, and the officers of the Company shall, during the month of January of each year, cause a full and accurate statement of the affairs of the Company to be made out and published at least one week in some newspaper published in said town of Clarksville, which statement shall be signed and sworn to by the President of the Company.

Sec. 10. That this charter and all the powers and privileges herein granted shall continue in force and effect for the full term of twenty years from the passage of this act, and that the property, funds and business transactions of the corporation shall be

subject to the same rate of taxation by law imposed on the property and similar transactions of individuals.

Sec. 11. That it shall not be lawful for any person to subscribe for and hold by means of said subscription more than one-tenth part of the capital stock of said corporation. And that this act be in force from and after its passage.

Approved 8th February, 1860.

CHAPTER 116.

An Act to authorize Adam Sullivan to construct a bridge across the Sabine River.

Section 1. Be it enacted by the Legislature of the State of Texas, That Adam Sullivan be and he is hereby authorized to construct a bridge across the Sabine River, at a point known as Anderson's Ferry, in Van Zandt county, about eighteen miles north of Canton, the county seat of Van Zandt county.

Sec. 2. That said bridge shall be so constructed, that it will be suitable, safe and convenient for the transportation of wagons, carriages and traveling generally, and to place and keep the bottom from one hill to the other in good repair, and after the completion of the same, he shall be entitled to demand and receive the following rates of toll, viz: For each loaded wagon, seventy-five cents; for each empty wagon, fifty cents; for each four-horse coach, seventy-five cents; for each pleasure carriage, fifty cents; for each buggy, forty cents; for each man and horse, ten cents; for each led or loose horse, five cents; for cattle per head, two cents; for hogs and sheep per head, one cent.

Sec. 3. That this charter is granted upon the condition that the said bridge shall be commenced within six months, and completed within twelve months from the passage of this act.

Sec. 4. That no person shall be permitted to construct any other bridge or keep a boat for the transportation of passengers for toll, for five miles above or below on said stream, after the same may be completed, unless authorized by the Legislature.

Sec. 5. The privileges herein granted to the said Sullivan shall extend to the term of fifteen years, (subject to change by the Legislature,) from and after the passage of this act.

Sec. 6. That the said Sullivan is hereby required, after the completion of said bridge, to keep the same, together with the

bottom, in good repair and condition for traveling purposes, for and during the period of fifteen years as aforesaid, and shall be liable for all damages to any and all persons from a violation of this section.

Sec. 7. That this act take effect and be in force from and after its passage.

Approved 8th February, 1860.

CHAPTER 117.

An Act to amend the first, third and thirteenth sections of an act entitled an act to incorporate the Texas Life, Fire and Marine Insurance Company of the city of Galveston, State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That the first section of said above entitled act be amended so as to read as follows: "Section 1. Be it enacted by the Legislature of the State of Texas, That Archibald S. Ruthven, John Shackelford, William T. Austin, Theodore O. Wilson, Joseph J. Hendley, James Sorley, Lent M. Hitchcock, Julius Frederick, John Seely, Willis Randle, James T. Ware, Jacob L. Briggs and T. H. McMahan, and their present and future associates, successors and assigns, be and they are hereby incorporated, and created a body corporate and politic, by the name and style of the Texas Life, Fire and Marine Insurance Company of the city of Galveston, State of Texas; and by that name and style, they and their successors shall have continuance and succession for and during the term of twenty-five years from and after the passage of this act, and by such corporate name and style, shall be capable of suing and being, and maintaining any action to final judgment and execution; and shall be in law capable of purchasing, holding, improving and conveying any estate, real, personal or mixed for the use of said corporation; and said corporation may have a corporate seal, and shall have power to ordain, establish and put in execution such by-laws, ordinances and regulations as shall be necessary for the government thereof, and for the transaction of its business; and it shall be lawful for said corporation, after the expiration of its charter, to use the corporate name, style and capacity for the purpose of the final settlement and liquidation of its affairs and accounts.

and for the sale and disposition of its estate, real, personal and mixed, but not for any other purpose, nor in any other manner whatsoever: Provided, nevertheless, that said corporation shall not hold or own, at any one time, real estate amounting in value to more than twenty thousand dollars."

Sec. 2. That the third section of said act be amended so as to read as follows: That the management and direction of the affairs of said corporation shall be vested in a board of not less than seven, nor more than thirteen directors, who shall be elected by the stockholders at their annual meeting to be held on the second Monday in November of each year for that purpose, at the city of Galveston, and shall hold their office for one year, and until others are elected, and who, at the time of their election, shall be citizens or residents of the State of Texas, and holders, respectively, of not less than five shares of the Company's stock; and the Directors shall, at the first meeting after their election, choose one of their own number as President. In all elections for Directors, the vote shall be by ballot, and each stockholder shall have one vote for each share of stock he or she may hold; but no stockholder shall vote at any election, unless the share or shares upon which he may claim to vote, shall have been standing in his or her name on the books of the corporation for at least one month previous to such election; and in case of absence from any general meeting, any stockholder may vote by proxy in writing: Provided, that when the amount of stock has been subscribed required by section second of this act, the stockholders may proceed to elect a Board of Directors, to serve until the time prescribed in this section for the annual election."

Sec. 3. That the thirteenth section of said act be amended so as to read as follows: "Section 13. This act shall take effect and be in force on and after the first day of March, A. D. 1860.

Approved 8th February, 1860.

CHAPTER 118.

An Act to incorporate the Gulf Coast Fair Association, located at Victoria.

Section 1. Be it enacted by the Legislature of the State of Texas, That the stockholders and members of the Gulf Coast

Fair Association, located at Victoria, and those who shall hereafter become stockholders and members of said Association, are hereby constituted and incorporated a body corporate and politic, under the name and style of the Gulf Coast Fair Association, capable of suing and being sued, of pleading and being impleaded, of holding property either real, personal and mixed, of selling and conveying the same at pleasure, of having a common seal and of changing the same at pleasure, and of holding fairs and charging, and collecting gate and exhibition fees, and of doing and performing whatever else that may be proper and necessary for the advancement of said Association, not contrary to the constitution and laws of this State: Provided that the real and personal property acquired by said corporation shall not at any time exceed twenty-five thousand dollars.

Sec. 2. Be it further enacted, That on the second Saturday in June, A. D. 1860, (until which time the present officers shall hold their office,) and annually thereafter the stockholders and members of said association shall elect one President, two Vice Presidents, one Secretary, one Treasurer and nine Trustees, for the ensuing year, who together shall constitute a Board of Control for said association, whose powers and duties shall be hereinafter defined: Provided, that no one shall be considered a stockholder or member who has not paid towards the erection of the improvements now used, or who may not hereafter subscribe and pay the sum of ten dollars a share for stock, and three dollars initiation fee to become a member of said association.

Sec. 3. Be it further enacted, The duties of the President shall be to preside over all meetings of the Association, preserve order, put all questions, when a vote is taken, give the casting vote in case of tie, sign all drafts and orders on the Treasurer for money, and he shall be ex-officio President of the Board of Control.

Sec. 4. Be it further enacted, The duties of the Vice President shall be to act as President in the order of their election in case of the absence of the President, or in case of a vacancy in the office of President.

Sec. 5. Be it further enacted, The Secretary of the Association shall be ex-officio Secretary of the Board of Control, and he shall keep the records of the Association, conduct all correspondence, and countersign all orders and drafts drawn on the Treasury for money.

Sec. 6. Be it further enacted, The Treasurer shall take charge of all funds of the Association, and disburse them according to the orders of the Board of Control, on the order of

the President, (or in his absence, or in case of a vacancy in his office one of the Vice Presidents) countersigned by the Secretary. He shall annually report fully to the association the amounts of his receipts and expenditures; his books, papers and accounts shall be at all times open to the supervision of the Board of Control. If required, he shall give bond for the safe keeping of the monies of the association.

Sec. 7. Be it further enacted, The Board of Control constituted and elected as aforesaid, shall be composed of the President, the two Vice Presidents, Secretary and Treasurer of the Association, and nine Trustees, a majority of the whole board being competent to do and transact business, and shall have full power to carry out and perform the expressed wishes of the association, but shall not institute any new course of proceeding, which has not been discussed and approved at a regular meeting of the stockholders of the association, neither shall they have power to contract or incur debts requiring more funds than the amount in hand, or subscribed and to be paid within the time for which the contracting board is elected, and to make binding on the association any debt incurred, or obligation to be paid or fulfilled after their term of office shall have expired, it shall require a majority vote of all the stockholders present at a regular meeting of the Association, confirming and approving the same. The Board of Control shall have the general supervision of the affairs of the association, and shall have power to pass all by-laws and regulations for the government of the Association, and for the government of the Board of Control, shall appoint the time of holding the annual fairs of the association, appoint such police with power to preserve order, and to enforce the regulations and rules of the association during the holding of its fairs, and generally to do and perform any act for the advancement of the objects of the association, not inconsistent with the constitution and laws of this State and the provisions of this act. But they shall not have power to transfer or alienate any property belonging to the corporation, unless by the consent of a majority of the whole board.

Sec. 8. Be it further enacted, All the officers hereinbefore named shall be elected to hold office until their successors are elected and inducted into office. Vacancies in all offices, except President and Vice Presidents, shall be filled for the unexpired term by the appointment of the Board of Control from the stockholders of the association.

Sec. 9. Be it further enacted, The property acquired by this corporation, or to be hereafter acquired, shall be owned by the

stockholders who have or who may hereafter join said association and pay for shares of stock. Stock in this association shall be held at ten dollars a share, until the first election of officers under this charter, at which time the stockholders may either raise or diminish the amount of shares at their own option, having due regard to the vested rights of those who have already subscribed and paid for stock at the present rate of shares of stock. Each stockholder of this association shall be entitled to one vote (at all meetings of the stockholders of the association) for each and every share of stock by him taken or paid for, and upon joining the association and taking stock therein, each stockholder shall pay in addition to his shares of stock, an initiation fee of three dollars.

Sec. 10. Be it further enacted, The stockholders of this association shall have the right to create annual members of the Association upon such terms as to the stockholders may seem best, with rights and privileges to be defined by the stockholders of the association.

Sec. 11. Be it further enacted, Shares of stock in the association shall be transferable by deed or transfer, duly executed in the usual form for executing deeds to real estate, and all transfers of stock in this association must be duly entered in the books of the Secretary, and until such entry is made the transfers of stock shall not be entitled to any of the privileges of a stockholder, and provided, also, that the transferees of stock before being allowed to vote as a stockholder in the meetings of the association or hold office shall also pay the initiation fee of three dollars.

Sec. 12. That this act shall be in force for twenty years, and take effect from and after its passage.

Approved 8th February, 1860.

CHAPTER 119.

An Act to incorporate the Texas Medical College.

Section 1. Be it enacted by the Legislature of the State of Texas, That Wm. S. Rogers, W. D. Robinson, T. J. Heard, W. I. Cock, W. B. Traynham, J. G. Eason, E. S. Whelan, W. H. Markham, Wm. McCraven, D. C. Dickson, R. T. Flewellen, W. N. Gantt, Ashbel Smith, G. A. Feris and J. F. Matchett, be

and they are hereby made a body corporate, under the name and style of the Trustees of the Texas Medical College, and by that name shall have succession for the term of twenty-five years, and be capable in law to sue and be sued, to plead and be impleaded, to have a common seal, to enact by-laws, rules and regulations for the government of the Texas Medical College, to have, hold and enjoy, or dispose of all property whatever, whether by bequest, donation or otherwise, for the benefit of said Medical College, to elect a President of their own body to preside over the same, and generally do and perform all acts needful and proper for the promotion, prosperity and permanency of the said Texas Medical College.

Sec. 2. The Trustees of the Texas Medical College, or a majority thereof, shall have power to create any and all Professorships or Chairs, useful in the dispensation of medical knowledge and shall elect competent individuals to preside over and fill said Professorships or Chairs, and in case of vacancy by resignation, death or otherwise, such vacancy shall be filled by the Trustees or a majority thereof.

Sec. 3. That said Board of Trustees shall locate the Texas Medical College at or near the city of Houston, and have power to prescribe the time of holding the sessions thereof; and said Board of Trustees shall annually present to the Professors of said Medical College, a written or published statement, showing the condition of the funds of the said Medical College, expenditures, by-laws and regulations adopted by the Trustees, the number of Professors, number of pupils in attendance, and names thereof; and the Professors of said College may make any alterations in the items fit and proper to be made; that said Board of Trustees shall have power to remove any regularly elected Professor for dishonorable conduct, or incapacity to discharge the duties thereof, by application in writing of all the Professors of said Texas Medical College, other than the one sought to be removed.

Sec. 4. The Board of Trustees shall have power to confer degrees upon all graduates of the Texas Medical College, and honorary degrees upon such other persons as they may deem worthy, and to grant diplomas therefor, signed by the President and Professors under the seal of the Texas Medical College.

Sec. 5. That said Medical College shall not hold over five hundred thousand dollars worth of property, and the funds belonging or in anywise appertaining to said Medical College, shall not be diverted from the object for which the same was donated; and all donations or bequests to said Medical College

shall be good and binding, although the corporate name thereof may not be stated properly by the person making such bequest or donation, and that this act take effect from and after its passage.

Approved 8th Feb'y, 1860.

CHAPTER 120.

An Act to amend an act to incorporate the city of Brownsville, approved February 7th, 1853.

Section 1. Be it enacted by the Legislature of the State of Texas. That the fifth section of the above mentioned act be so amended as to read as follows:

Sec. 5. That the city council shall have full power to make and pass such by-laws and ordinances as they shall deem necessary to maintain the cleanliness and salubrity of said city, to insure the safety and convenience of passing in the streets, squares and alleys, to establish and regulate such common schools as they may direct, to organize and regulate a fire department for the purpose of extinguishing and preventing conflagrations, to prevent the storage of gunpowder within the limits of said city, to establish a system of police for the maintenance of public order and tranquility, embracing the due observance of Sundays, the regulation or suppression of fandangoes and other public dances of immoral tendencies, to permit theatre shows and other public amusements, under such regulations and restrictions as they may direct, to establish one or more market places and to regulate the same, to take charge and superintendence of all streets, roads, alleys and ways, to appoint the necessary overseers for the same, and to enforce labor thereupon in the same manner, and with the same effect as such authority is now authorized by the County Courts, to enact all ordinances to carry this act into effect, and to fix such penalties thereto as they may determine, to appoint all subordinate officers necessary, to grant license to all billiard tables, coffee houses, groceries and places of amusement in said city, and to determine the amount to be paid therefor, to have and exercise the power of laying, levying and collecting taxes upon all subjects of taxation within the corporate limits, upon which a tax may be levied by the State, equal respectively to the amounts and percentum levied by the State

for each respective year: Provided, that the valuation of property herein provided to be taxed by the Assessor and Collector of State and county taxes of Cameron county, shall not be the criterion of taxation under this act, and to divide said city into three wards, and after the first election there shall be elected three aldermen for each ward.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved 8th February, 1860.

CHAPTER 121.

An Act to amend the sixth section of an act entitled "an act to incorporate the town of Henderson, in Rusk county," approved February 12, 1852.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sixth section of an act entitled "an act to incorporate the town of Henderson, in Rusk county," approved February 12, 1852, be and the same is hereby amended so as to read as follows: "Sec. 6. That no person shall be eligible to hold any office in said corporation, or to vote for officers thereof, unless he be a citizen of the State, and shall have resided in the limits of said corporation during the period of six months immediately preceding said election."

Sec. 2. That this act take effect and be in force from and after its passage.

Approved 8th February, 1860.

CHAPTER 123.

An Act to incorporate the town of Shelbyville, in Shelby county.

Section 1. Be it enacted by the Legislature of the State of Texas, That the citizens of the town of Shelbyville, in Shelby county, be and they are hereby declared a body politic and corporate, under the name and style of the corporation of the

town of Shelbyville, and by that name shall have power to sue and be sued, plead and be impleaded, and to hold and dispose of real and personal property. Provided, such real property is situated within the limits of said corporation.

Sec. 2. That it shall be the duty of the citizens of said corporation to elect a Mayor, five Aldermen, a Collector and Constable; and a Treasurer and Secretary shall be selected by said aldermen from their own body; the Treasurer and Collector shall be required to give bond with security, to be approved by the presiding officer, for the faithful performance of their duties, and to make reports when required by the Mayor or Board of Aldermen, and the Mayor shall have power, when necessary, to suppress riots and disturbances, and to call out the citizens of said corporation for the purpose of restoring order, and the collector also to act as assessor if so required by the board of aldermen.

Sec. 3. That the first election shall be held under the Chief Justice of said county after having given ten days' notice thereof; and annually thereafter under the direction of the Mayor at least ten days' notice before his term of office and in case of death or resignation, the vacancy or vacancies shall be filled by men elected as ordered by the Mayor, and in case the office of Mayor shall be vacant, then the Aldermen shall elect one of their own body to act as Mayor until the next annual election.

Sec. 4. That no person shall be eligible to any office under the provisions of this charter who is not a citizen of this State and a resident within the limits of this corporation; nor shall any person have a right to vote for officers who is not a citizen and resides within its limits.

Sec. 5. That the Mayor and Board of Aldermen of said corporation shall have power to pass such rules and ordinances as may be necessary for the regulation of the police, and the preservation of order within the corporate limits; to levy taxes for the removal of nuisances and keeping the streets in good order, and to prescribe penalties for the violation of the ordinances and by-laws of the corporation: Provided, that in no case such penalties shall exceed one hundred dollars.

Sec. 6. That the limits of said corporation shall extend one-half a mile in every direction from the court-house on the public square from the town of Shelbyville in the center of said corporation limits, and that the citizens who reside within said corporation shall be exempt from road duty except such as may be imposed upon them by the Board of Aldermen.

Sec. 7. That the Mayor, with a majority of said Aldermen,

shall constitute a quorum for the transaction of business, and shall enact and enforce such rules and regulations as they may deem necessary for the government of said corporation: Provided, that the same do not conflict with the constitution and laws of this State.

Sec. 8. And that this act take effect and be in force from and after its passage.

Approved 8th February, 1860.

CHAPTER 123.

An Act to authorize the County Court of Shelby county to regulate the pay of Sheriffs therein in certain cases.

Section 1. Be it enacted by the Legislature of the State of Texas, That the County Court of Shelby county in this State, be and is hereby authorized to allow to the Sheriffs of the county of Shelby, for summoning jurors in the District Court, serving all election notices, notices on overseer of roads, attending the District and County Courts, and doing all other business not otherwise provided for, such sum as said court may deem sufficient for said service, not to exceed two hundred and fifty dollars per annum to be paid out of the county treasury; any law now existing to the contrary notwithstanding.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved 8th February, 1860.

CHAPTER 124.

An Act to incorporate the Guadalupe Male and Female College.

Section 1. Be it enacted by the Legislature of the State of Texas, That Isham Fennel, J. H. Dibrell, J. R. Jefferson, H. E. McCulloch, J. G. Walker, Wilson Randle, John Ireland, W. E. Goodrich, T. H. Duggan, W. G. King, H. G. Henderson, Stephen Wright and George B. Hollaman and their successors in

office be, and they are hereby constituted a Board of Trustees of the Guadalupe Male and Female College, heretofore erected and established in the town of Seguin, in the county of Guadalupe which is by this act, incorporated by the name of "Guadalupe Male and Female College," by which name it may sue and be sued, plead and be impleaded, and buy and sell property, real, personal and mixed, and hold the same in trust for the Methodist Episcopal Church South, for the maintenance of an institution of learning in the town of Seguin.

Sec. 2. That the different lots and parcels of land, upon which the buildings of said College are erected, together with all the fixtures, apparatus and appurtenances now owned by said College is hereby placed and shall hereafter be under the control and direction of the above named Trustees and their successors in office, who shall hold the same as trustees in trust for the Texas annual conference of the Methodist Episcopal Church South.

Sec. 3. That each of the individuals before named as Trustees shall hold their office for three years: provided, that any Trustee shall be eligible to re-election, and, provided, further, that any Trustee may be removed by the said Conference for abusing his trust or neglect of duty.

Sec. 4. That it shall be the duty of said Conference at each of its sessions hereafter, to elect such number of Trustees as may be necessary to fill all vacancies which may have occurred in said Board of Trustees, or which may occur by the expiration of the term of any of its members, before the next session of said Conference: provided, that every Trustee who shall hereafter be elected (except such as may be elected to fill vacancies occasioned by the death, resignation or removal of any member of the Board,) shall continue in office for three years; and when such Trustees shall be elected to fill a vacancy occasioned by the death, resignation or removal of a member of said Board, he shall hold his office until the time of his predecessor would have expired.

Sec. 5. The said Board of Trustees shall elect one of their own number President of the Board; they shall also, elect one Treasurer and one Secretary. The President shall preside at the meetings of said Board, but in his absence a President pro tem. may be appointed by said Board. The Treasurer shall be elected for one year. He shall keep a fair record of all monies, notes, and papers of value, received and paid out by him, paying out the same by order of the Board of Trustees, signed by the President of the Board. He may at

any time be removed for dereliction of duty by a two-thirds vote of the Board of Trustees. The Secretary shall be elected for three years. He shall attend the meetings of the Board of Trustees, and shall keep a fair record of all its proceedings and resolutions, and also, of such by-laws and regulations as may be passed by said Board for the government of the school.

Sec. 6. That said Board shall have power to employ one President and as many Professors and Teachers in the College as the educational interests of the school may require. And they shall assign to all persons so employed their duties respectively, and fix their salaries. They shall have power to appropriate any money in the Treasury to the payment of the salary of any person employed in the school, and it shall be their duty to appoint one agent to attend to the collection of tuition fees, and of all monies due to the College. The said Board shall have power to enact such laws as they may deem necessary for the government of said College: provided, the same be not in contravention of the constitution or laws of this State. The said Board of Trustees shall have power by a two-thirds vote of its members to sell and dispose of any property of the said College (except the grounds and buildings, books and apparatus occupied and used by the school): provided, that the proceeds of such sales shall be applied to advance the educational interest of the College; it shall be the duty of said Board of Trustees to submit perfect reports of all their proceedings, and of the financial condition of the College to the Texas Annual Conference of the Methodist Episcopal Church South, at each of its sessions.

Sec. 7. That the said Board shall have power to erect and repair all necessary buildings and improvements upon the ground belonging to the said College, and to purchase such books and apparatus as may be deemed necessary for its use.

Sec. 8. That the Faculty of said Guadalupe College shall consist of the President, Professors and Teachers. The Faculty shall have power to enforce all laws adopted by the Board of Trustees for the government of the school, by such measures as may be considered reasonable, and shall have power to suspend any student who may knowingly violate the laws of said College, which suspension shall last until the Board of Trustees can be convened conjointly with the Faculty, who shall have power to continue or remit the suspension. They shall also, have power to expel disorderly students, but no student shall be suspended or expelled who has not knowingly violated some law of the Board of Trustees.

Sec. 9. That the Board of Trustees conjointly with the Faculty shall have power to confer such degrees in the arts and sciences, upon any student of said College or person thought worthy, as are usually conferred by other colleges or institutions of similar grade, and shall grant certificates thereof, signed by the Faculty and Trustees and sealed with the seal of said College.

Sec. 10. That the said Guadalupe College shall be competent to receive and hold contributions, gifts and donations and bequests of real estate, and of property of every kind, and all donations and bequests to said College shall be good and binding, although the coporate name of said College, may not have been properly stated by the person making such donation or bequest: provided, however, that said College shall not hold property beyond the value of two hundred thousand dollars (the College buildings and grounds upon which the same are situated excepted).

Sec. 11. That five members of the Board of Trustees shall constitute a quorum for the transaction of business. The said Board may have and use a seal to authenticate and perpetuate all acts of said Board.

Sec. 12. That this act take effect and be in force from and after its passage, and continue in force for twenty years.

Approved 8th February, 1860.

CHAPTER 125.

An Act to incorporate Salado College in Bell county.

Section 1. Be it enacted by the Legislature of the State of Texas, That E. Sterling, C. Robertson, Hermon Aiken, John S. Blair, C. Kendrick, A. J. Dallur, W. D. Eastland and G. W. Shanklin, Trustees of the Salado Joint Stock Company, formed for the purpose of building up and establishing a school at Salado in Bell county, and their associates and successors are hereby created and declared a body corporate and politic by the name, style and title of Salado College, and by that name and title, they, their associates and successors shall be capable of suing and being sued, pleading and be impleaded in law and equity in all courts whatever in like manner and as fully as natural persons, and by said corporate name and style shall be capable

in law of contracting and being contracted with, shall have the power of acquiring by purchase, donation or otherwise, property both real, personal and mixed, holding and conveying the same as well as the property of any kind and description, which the said joint stock company may now have, as the said corporation may think proper.

Sec. 2. The said body corporate and politic shall have succession, with the power of holding property, both real, personal and mixed, in fee simple, so long as they confine their operations to the promotion of education, by means of said College.

Sec. 3. That a share of said Company shall be one hundred dollars, and each stockholder may have the right to sell or transfer his or her stock at pleasure, after the share has been fully paid out, and shall have the right to vote in person or by proxy for each share he or she may own, in all elections necessary for the government of said college.

Sec. 4. That said Trustees and their successors shall have the power to make such by-laws as they may deem necessary for their own government and the management of the said Salado College. to adopt such course of study as they may deem best, with full power to employ or discharge teachers or professors, to confer degrees and give diplomas therefor. But no law shall conflict with the constitution and laws of this State. The said Trustees may elect a President from their number or remove him.

Sec. 5. That there shall be a regular meeting of the stockholders at the annual commencement of the collegiate year, to be fixed by said Trustees, and two-thirds of their number shall be a quorum to do business. They shall have the power by election, voting as prescribed above to fill any vacancies in the Trusteeship, or by a two-thirds majority may remove a Trustee. They may disfranchise a stockholder by a two-third vote: provided, they pay to such stockholder disfranchised the amount of their subscription or so much as they may have paid in. They shall elect, voting as prescribed above at such annual meeting, a Secretary and Treasurer, who shall hold their offices for one year and until their successors are elected.

Sec. 6. That the said Trustees and their successors in office shall have power to endow professorships by the sale of scholarships, limited or perpetual, which shall not be transferable by the holders or otherwise as to them may seem best.

Sec. 7. That the said Salado College shall have a male and female department, and be open to pupils of all religious denominations, but shall never become sectarian in its character

nor shall the peculiar doctrines of any religious denomination be taught therein.

Sec. 8. That this act take effect and be in force from and after its passage, and shall continue in force for twenty years and no longer.

Approved Feb. 8, 1860.

CHAPTER 126.

An Act to amend the act to incorporate the Freestone School Association, approved February 13th 1858.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Freestone School Association shall have the power to establish in the town of Fairfield, an institution of learning for young females, to be called the Fairfield Female College. Also, an institution of learning for the education of boys, to be called the Fairfield Male Academy, both institutions to be under the control and direction, and for the management thereof, they are empowered to make all necessary by-laws, rules and regulations.

Sec. 2. That this act take effect and be in force from and after its passage, and this act and the act of which it is amendatory shall continue in force for twenty years and no longer.

Approved Feb. 8, 1860.

CHAPTER 127.

An Act in relation to the pay of grand and petit jurors in (the county of Harrison.)

Section 1. Be it enacted by the Legislature of the State of Texas, That the County Court of Harrison county is hereby authorized, in its discretion, to increase the pay of grand and petit jurors in said county to two dollars per day, and to provide for the pay of such jurors accordingly.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved 8th February, 1860.

CHAPTER 128.

An Act to authorize the County Court of Comal county to levy a special tax.

Section 1. Be it enacted by the Legislature of the State of Texas, That the County Court of Comal county be, and the same is hereby authorized to levy and collect a special ad valorem tax upon all property, real, personal and mixed, not exceeding twenty cents on each hundred dollars, and a special poll tax of twenty-five cents, for, and during six years from and after the passage of this act, for the purpose of paying off the debt incurred by Comal County in the erection of a court-house.

Sec. 2. That the Chief Justice of Comal county shall, within ninety days after the passage of this act, and after having first given thirty days' public notice, cause an election to be held at all the election precincts in said county of Comal, for the purpose of testing whether a majority of the people of said county shall be in favor of said tax, and the same shall not be levied and collected, as provided for in the first section of this act, unless a majority of the votes cast at said election, shall be in favor of said tax.

Sec. 3. That this act be in force from and after its passage.

Approved Feb. 8, 1860.

CHAPTER 129.

An Act to allow the assignees of John Hennecke to lift from a location a certain land certificate.

Section 1. Be it enacted by the Legislature of the State of Texas, That the assignees of the land certificate in the name of John Hennecke, issued in Austin county, 19th January, 1838, for one-third league, be authorized to lift the same from a location made by virtue of the same in Hamilton county; and that the said certificate may be located elsewhere as if it had never been located or surveyed.

Sec. 2. That his act take effect from and after its passage.

Approved February 8th, 1860.

CHAPTER 130.

An Act to continue the pension heretofore granted to Henry Tierwester, to his widow.

Section 1. Be it enacted by the Legislature of the State of Texas, That the pension of one hundred dollars per annum, heretofore granted to Henry Tierwester, be, and the same is hereafter continued to his widow, during her lifetime.

Sec. 2. That this act take effect and be in force from its passage.

Approved February 8, 1860.

CHAPTER 131.

An Act to authorize the corporation of Laredo to dispose of certain lands to aid in erecting a common school house in said town.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Mayor and Aldermen of the town of Laredo be, and they are hereby authorized to sell all the vacant porciones granted to the said town by the general vicita or royal charter bearing date the——day of ——, A. D., 1767, and to convey to the purchasers thereof titles in fee simple.

Sec. 2. That before the sale of any such porciones of land, the said Mayor and Aldermen shall cause a notice of the time and day of sale to be published at least three months previously in some newspaper published in the town of Brownsville and the cities of Austin and San Antonio, which notices shall be published in both the English and Spanish languages.

Sec. 3. That all monies arising from such sales shall be applied to the building of a good and commodious common school house in the said town: Provided, that should there be any surplus the same shall constitute a fund for the payment of the tuition of orphan and indigent children of said town: and, provided, further, that not more than eight leagues of said land be disposed of for erecting said school house.

Sec. 4. That the Treasurer of said corporation shall be required to give bond with two or more good and sufficient sureties payable to the Mayor of said town and his successors in office in the sum of three thousand dollars for the safe

keeping and proper disbursement of all monies arising from the sale of said lands: provided, that this act shall not be so construed as to validate said grant.

Sec. 5. That this act take effect and be in force from and after its passage.

Approved February 8, 1860.

CHAPTER 132.

An Act legalizing locations made on Kempers Island in the Guadalupe river in Victoria county.

Section 1. Be it enacted by the Legislature of the State of Texas, That the location made upon Kemper's Island in Victoria county be, and the same are hereby legalized; and the Commissioner of the General Land Office, is hereby authorized to patent surveys upon said island, made by virtue of any legal and genuine land certificate or other genuine land scrip, observing the law in regard to said locations and surveys as provided in other cases.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved Feb. 8, 1860.

CHAPTER 133.

An Act relinquishing the right of the State to certain lands therein named to William M. Love of Navarro county, Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That the following described land lying in Navarro county, Texas, on the waters of Richland creek, comprising one league and labor of land is hereby donated to said Wm. M. Love and all the rights, title and interest of the State in and to said land is hereby relinquished to said Wm. M. Love, said land is embraced in two surveys, the first of which, is bounded and described as follows: "beginning 1400 varas N. 45 degrees E. of

the west corner of John Choats' survey, a stake from which a musquite 6 in. di. brs N. 47 W. 14 vrs.; thence N. 30 W. at 320 vrs.; pass the S. E. corner of W. P. Kincanon, at 5320 vrs. pass his north-east corner at 5568 vrs. intersected the S. E. line of John Taylor, a stake whence an ash 7 inch brs. N. 70 degrees E. 8 varas, and a chitim 6 in. brs. S. 28 degrees W. 5 vrs.; thence N. 45 degrees E. with Taylor's line at 860 varas, Richland creek at 2520 vrs. Taylor's E. corner and John McNeal's west corner; whence a post oak 16 in. dia. brs. N. 53 degrees E. 13 vrs. and a do 18 in. brs south 29 degrees E. 29 vrs; thence south 45 degrees E. at 1630 varas Richland creek at 4899 vrs. intersect the west line of John White, a stake whence an ash 15 inches brs. south $4\frac{1}{2}$ E. $8\frac{1}{2}$ varas and an elm 13 in. di. brs. south 83 degree west 6 varas; thence 30 east 500 varas to a stake in said line whence an ash 14 in. di. bears south 64 E. 6 varas; and a do. 8 in di. brs. north 64 degrees west 10 varas; thence south 45 degrees at 234 varas, pass John Choat's north corner at 3834 varas to the beginning.

The second survey is bounded and described as follows:—Situ-ated in Navarro county, about fourteen miles south 70 degrees east of Corsicana and on the south-western waters of Pecan creek, beginning on the south-east boundary of twenty-six labors for William J. Malon being J. G. Rice's N. E. corner a stake from which a post oak 14 in di. brs. south 18 degrees east 15 vrs and a post oak 8 in. dia. brs S. 16 W. 18 8-10 vars. both marked L; thence south 30 east with said six hundred and forty acre survey made for T. G. Rice 2980 vrs, said Rice's south-east corner and line of Robert Carodine, from which a post oak 8 in. di. brs. S. $8\frac{1}{2}^{\circ}$ 42 vrs. and a musquite 10 in. di. brs. N. 57 W. 100 vrs; thence N 60 E with Carodine's survey 3306 vrs. set a post oak from which an ash 14 in. di. brs. N. 62 W. 3 vrs. and an ash 6in. di. brs. N 50 E 4 varas; thence 30 W. with E. Powers' survey to 1903 varas pass his N. W corner at 2480 vrs a post from which an ash 12 in di. (marked L) N. 44 W. 6 varas and an ash 8 in. di. brs. (L) south 9 degrees E. 3 varas; thence south 60 W. with Malon 3306 vrs. to the beginning. And the State of Texas hereby relinquishes all her right and title in and to the above described land to the said William M. Love, of Navarro county, Texas.

Sec. 2. That this act taks effect from and after its passage.

Approved February 8th, 1860.

CHAPTER 134.

An Act to amend an act entitled "an act for the relief of Nathaniel Prescott, R. S. Wheat, L. G. M. Gaughey and Eliza Green" passed September 1st, 1856.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office is hereby required to issue a certificate for six hundred and forty acres of land to Elijah Green, in lieu of duplicate certificate No. 141, class 3rd, issued by the Commissioner of the Court of Claims, November 6th, 1857, in the name of Eliza Green, on lost certificate No. 5080-5081, class 3rd, issued by the Commissioner of the General Land Office, on the first day of November, 1856, in the name of Eliza Green under the provisions of said act mentioned in the caption hereof: Provided, said Elijah Green shall return said duplicate certificate to the General Land Office for cancellation.

Sec. 2. The Commissioner of the General Land Office is hereby required to apply the certificate herein provided to be issued, to the field-notes of the survey made under and by virtue of said duplicate certificate and now on file in the General Land Office, and to issue a patent thereon in the name of said Elijah Green, and this act shall be in force from and after its passage.

Approved February 8th, 1860.

CHAPTER 135.

An Act to prohibit the sale of intoxicating liquors in the neighborhood of Soule University.

Section 1. Be it enacted by the Legislature of the State of Texas, That it shall not be lawful to sell any intoxicating spirituous liquors within the distance of three miles from the Soule University, in Chappell Hill in Washington county, unless sold by apothecaries or physicians for medicinal or mechanical purposes, and any persons offending against the provisions of this act shall forfeit and pay the sum of not more than one hundred nor less than fifty dollars for each offence, to be recovered by suit before any Justice of the Peace of the precinct in which the University is situated, which suit may be instituted in the name of the

State at the relation of the President of said University, and the amount recovered shall be paid one-half to the county of Washington and the other half to the said University, and the relator shall be responsible for costs when the defendant is not convicted.

Sec. 2. Prosecutions under this act shall be commenced within six months after the commission of the offence and not after.

Approved February 9, 1860.

CHAPTER 136.

An Act to incorporate Cedar Grove Male and Female Institute, in Kaufman county.

Section 1. Be it enacted by the Legislature of the State of Texas, That William Gibbard, D. W. Scroggin, Andrew Sullivan, William Moody, J. W. Scott, Richard Stewart and T. J. Lewis, and their successors be, and they are hereby constituted a body corporate and politic, under the name and style of the Cedar Grove Male and Female Institute; capable of suing and being sued, pleading and being impleaded, of holding and owing property, either real, personal or mixed, of selling and conveying the same at pleasure, of having a common seal, and of changing the same at pleasure and of doing and performing whatever else may be proper and necessary to be done for the advancement of said Institute.

Sec. 2. That the charter and privilege shall extend to the said Trustees and their successors in office, so long as they confine the benefit of the same to the advancement of the sciences and of useful knowledge to the rising generation.

Sec. 3. A majority of said Trustees shall constitute a quorum to transact the business of said Institute; they shall have power to select their own officers and to make their own by-laws: provided, that said by-laws are not inconsistent with the provisions of this charter, or the constitution and the laws of the State of Texas.

Sec. 4. The principal of said Institute shall have power to grant certificates of advancement in literature and the sciences to deserving students.

Sec. 5. The Trustees shall have the power of fixing the salaries of all officers connected with said Institute, and to fill all vacancies that may occur in their own body.

Sec. 6. No religious test shall ever be required of any president, teacher or officer of said Institute, nor shall any student be considered suspended or expelled on account of his religious or political opinions: provided, that the Trustees of said Institute shall not be prohibited from providing for the infliction of suitable punishment for immoral conduct.

Sec. 7. The institute hereby incorporated shall be located at Cedar Grove in the county of Kaufman, and the property of the same shall not exceed fifty thousand dollars; and that this act shall take effect and be in force from and after its passage, and shall continue in force twenty years.

Approved February 9, 1860.

CHAPTER 137

An Act to establish and incorporate a Literary Institution at the town of Gilmer in the county of Upshur.

Section 1. Be it enacted by the Legislature of the State of Texas, That an institution of learning be, and the same is hereby established at the town of Gilmer in the county of Upshur, to be denominated the Upshur Masonic College.

Sec. 2. That the following persons having been chosen Trustees of said College are hereby organized as such, to-wit: Stephen W. Beasely, D. L. Neal, John W. Rogers, G. E. Warren, A. W. Wright, William H. Hort and W. O. Barker.

Sec. 3. That the Trustees aforesaid be, and they are hereby created a body politic and corporate in deed and in law, and by the name of the "President and Trustees of the Upshur Masonic College" and by that name, they, and their successors in office shall, and may be capable in law, to receive and hold, use, and have in fee, or for life, or for a term of years all hereditaments and also hold and use all property of any kind whatever, which may be given, granted or bequeathed to them for the purpose of promoting the interest of the said College: provided, the amount of property owned by said corporation shall not exceed one hundred thousand dollars, over and above the buildings, library and apparatus necessary for said College.

Sec. 4. That the Trustees shall have a stated meeting each year, at the time of conferring degrees, and the President of the Board shall have the power to call occasional meetings of

the Board whenever he may deem it necessary for the good of said College.

Sec. 5. That the Trustees of said College shall have a common seal for the business of themselves and their successors in office, and they, by their aforesaid name, may sue and be sued, plead, and be impleaded in all courts of law in this State, and by the consent of two-thirds of said Board, the President thereof may sell and grant any land, tenements, goods or chattels which now or hereafter may belong to said College, and said Board shall have power to construct all necessary buildings for the same, and construct a preparatory department, and such other dependent institutions as they shall deem necessary, and shall have the management of the finances, the privilege of electing their own sub-officers, of appointing all necessary committees and to act and do all things whatever for the benefit of said College in as ample a manner as any person or body politic or corporate can or may do by law.

Sec. 6. That said Trustees shall have power to make all such laws and establish such ordinances as may be deemed necessary for the good management of said College and their own proceedings: provided, the same are not repugnant to the constitution and laws of this State.

Sec. 7. That the head of this College shall be styled the President; the instructors employed in it the Professors, and the President and Professors or a majority of them, the Faculty of the College, which Faculty shall have power to enforce the laws adopted by the Trustees for the management of the College.

Sec. 8. That the President and Professors by and with the consent of the Board of Trustees of said College shall have full power to grant and confer such degrees in arts and sciences to any of the students of said College, or other persons by them deemed worthy, as are usually granted or conferred in other Colleges of learning, to give and grant diplomas signed by them, and sealed with the common seal of the Trustees, to authenticate and perpetuate the memory of such graduation.

Sec. 9. That when any vacancy occurs in said Board of Trustees from any cause, such vacancy shall be filled by the remaining members of the Board.

Sec. 10. When a vacancy occurs in the Presidency or Professorship of said College, the same shall be filled by said Board of Trustees.

Sec. 11. That said Board of Trustees shall have the power to fix and regulate the salaries of the President and Professors

of said College, and a majority of said Board shall have the power to remove any of them for misconduct, want of capacity, or for such cause as they may deem sufficient.

Sec. 12. That no Trustee in this College shall be eligible to the office of President or Professor, nor shall either of them ever act as Trustee.

Sec. 13. That when any law or ordinance is adopted by the Board of Trustees at a regular meeting of the same, the same shall not be altered or repealed by any called meeting unless there is a full Board present.

Sec. 14. That the Legislature shall have the right at any time upon petition of parties interested to amend so much of this act as has reference to the mode of filling vacancies in the Board of Trustees; and that this act shall be in force from and after its passage, and shall remain in force twenty years.

Approved February 9, 1860.

CHAPTER 138.

An Act supplementary to an act entitled "an act to incorporate the Houston, Trinity and Tyler Railroad Company," and of the act amendatory thereof, passed at the present session of the Legislature.

Section 1. Be it enacted by the Legislature of the State of Texas, That if when said Houston, Trinity and Tyler Railroad Company shall have completed that portion of its railway from Houston to the Trinity river, on the line of its route, the Company shall not have been able to purchase or acquire that portion railway constructed under the charter of the Galveston, Houston and Henderson Railroad Company, from the city of Houston to the city of Galveston, as provided in its charter may be done, then, the charter of said Houston, Trinity and Tyler Railroad Company shall be, and is hereby extended and continued from its present terminus at the city of Houston, to the city of Galveston, with full power and authority in said Company to construct, own, maintain and operate the section of railway from said Houston to Galveston as a part of its line of railway, and with all the powers, rights and franchises contained in its charter, and said act amendatory thereof.

Sec. 2. This act shall take effect and be in force at the same time as the act to which this is supplementary.

Approved February 9, 1860.

CHAPTER 139.

An Act to amend the first section of an act entitled an act to amend the caption and the first and sixteenth sections of an act "to incorporate the Texas Western Railroad Company," approved February 16th, 1852, passed August 16th, 1856.

Section 1. Be it enacted by the Legislature of the State of Texas, That the first section of the above recited act be so amended as hereafter to read as follows, to-wit:

Be it enacted by the Legislature of the State of Texas, that the title or caption of an act to incorporate the Vicksburg and El Paso Railroad Company or Texas Western Railroad Company, approved February 16th, 1852, be so amended as hereafter to read as follows: "an act to incorporate the Atlantic and Pacific Railroad Company." And the first section of the above recited act shall hereafter read as follows: "That Rufus Doane, James C. Hill, William T. Scott, Willis Stewart, Sam Bogart, E. E. Lott, L. B. Camp, James W. Throckmorton, J. D. Todd, Joseph McDougall, Thomas H. Rogers, Adam Sullivan, Joshua Starr, C. B. Holbert, Mason Mosely and Jacob Fisher, their associates and successors be, and they are hereby created and established a body corporate and politic under the name and title of the Atlantic and Pacific Railroad Company, with the capacity in said corporate name to make contracts, to have succession and a common seal; to make by-laws for its government and the regulation of its affairs, to sue and be sued; plead and be impleaded; to grant and to receive and generally to do and perform all such acts and things as may be necessary or proper for, or incident to, the fulfillment of its obligations or the maintenance of its rights under this act, and consistent with the constitution of this State; and all the acts done by said Company under either of the above recited acts or any acts amendatory thereof, or under the general laws of the State, shall be as legal and binding on all the parties connected therewith, and on said Company, under the name and title of the Atlantic and Pacific Railroad Company, as if done by said Company

under said name, and that this act take effect and be in force from its passage.

Approved 9th February, 1860.

CHAPTER 140.

An Act to revive and continue in force an act entitled "an act to incorporate the Jefferson Railroad Company," approved Feb. 2nd, 1854.

Section 1. Be it enacted by the Legislature of the State of Texas. That from and after the passage of this act, an act entitled "an act to incorporate the Jefferson Railroad Company," approved February 2nd, 1854, be, and the same is hereby revived and the same shall be and continue in full force and effect in the same manner and to the same effect as to the time, hereafter for its commencement and completion, as the same possessed at the date of its passage and approval.

Approved February 9, 1860.

CHAPTER 141.

An Act to incorporate the Palestine Tap Railway Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That R. M. Bonnor, William J. Miller, W. G. W. Jowers, John G. Gooch, F. S. Jackson, W. T. Sadler, P. L. Quarles, Josiah King, Sr., P. G. Oldham, W. C. Kinney, and Nathan Glenn be, and they are hereby created and established a body corporate and politic under the name and title of "The Palestine Tap Railway Company," and the said corporation are invested with the right and power to contract and be contracted with, to sue and be sued, plead and be impleaded, to take, buy and sell real and personal property.

Sec. 2. That the said corporation are hereby invested with the right and power of locating, constructing and maintaining a railroad, extending from the town of Palestine in Anderson county, to a point intersecting with the railroad of the Houston,

Trinity and Tyler Railroad Company, the point of intersection to be fixed upon by the Board of Directors of the Company hereby created.

Sec. 3. That the capital stock of the corporation shall not exceed the sum of four hundred thousand dollars, divided into shares of one hundred dollars each.

Sec. 4. That the persons named in the first section of this act, are appointed Commissioners to open Books and receive subscriptions to the capital stock of the Company; but they shall receive no subscription to said capital stock unless five per cent. thereof in cash shall be paid to them at the time the subscription is made, and should they receive said subscription to the capital stock without such payment, they shall be personally liable to pay the same to said corporation; that all subscriptions less than five per cent. shall be secured by note of the subscriber, with good personal security, made payable to the Company at such times and in such amounts as the Board of Directors may require. A majority of the said Commissioners shall constitute a quorum to do business, and they may hold meetings at such times at the court-house in Palestine, Anderson county, as a majority may designate, publication to be first given five days at the court-house aforesaid, or in a newspaper printed in said county, if there be one. The said Commissioners shall make a record of all their proceedings and acts done at such meetings, the amount subscribed, the proceedings to be signed by those present, or a majority of them.

Sec. 5. That whenever so much as forty thousand dollars shall be subscribed and secured as aforesaid, it shall be the duty of the said Commissioners, or a majority of them to meet and order an election of the subscribers aforesaid, at the court-house of said county, of six Directors of said Company, notice of the time and place of the election shall be published in a newspaper printed in said county if there be one, and if not, then at the court-house for at least twenty days before the election, the said Commissioners or a majority of them to conduct and preside at the said election, and give certificates of election to those elected. The term for which each Director shall be elected, shall be two years, but to act after that time until his successor is duly installed. And should a vacancy occur in the office of a Director, the Board shall fill the vacancy for the residue of the term. No person shall be eligible to the office of Treasurer, Director, Clerk or President unless he owns as much as three shares of the corporate stock of the Company, and is a resident of the State of Texas. In the election of Directors, each stockholder shall

be entitled to cast one vote in person or by proxy duly authorized in writing signed by him, for every share he may own. At the expiration of the regular term of the Directors, or as soon as may be practicable, an election shall be held at said court-house by the stockholders for the election of their successors. This election shall be notified as aforesaid, and conducted by the President of the Company for the term last past, who shall give the proper certificate of election to those elected. If he should fail or refuse to act in the premises, then any two of the Directors may perform the duty, and should they fail, then the Chief Justice of the county of Anderson shall act in the matter.

Sec. 6. The first Monday in each alternate month after the election of the Directors as specified in the foregoing section, shall be the time for the regular meetings of the Board of Directors at the court-house of Anderson county, and four of the Directors being present at the meeting, regular and special, shall constitute a quorum to do business, and they shall at their first meeting or as soon thereafter as practicable, elect from the number elected as aforesaid, a President of the Company, whose term as President shall be the time for which he is elected a Director, and shall elect his successor as aforesaid; and the said Board at a meeting shall appoint a suitable clerk and treasurer of the Company, whose term of office shall be at the will and pleasure of the Board of Directors, and they shall have power to fill vacancies in the said offices; and before they enter upon the duties of their respective offices, they shall give an obligation with good personal security to the Company, in a sum to be fixed by the Board and approved by them, conditioned faithfully to comply with, and fulfill all the duties that are or may be incumbent on them, which bonds or obligations shall be registered in the county clerk's office of Anderson county, after being acknowledged and certified to, as other instruments permitted by law, to be registered, and with like effect.

Sec. 7. That the immediate control and management of the affairs of the Company, shall be vested in the Board of Directors and they shall cause to be kept in suitable books, a correct record of all the actings and doings of the Board at their various meetings, and also, account books of all the receipts and expenditures of the Company, and all other books and accounts of the business and affairs of the Company, well calculated to show and exhibit at all times the true condition of the Company and its affairs and all they have done, or which has been done; which books, papers, accounts, &c., shall be at all times open to the inspection

tion of the stockholders and those at all interested; and all contracts entered into and signed by the President and countersigned by the Treasurer or other person authorized by the Board of Directors shall be binding on the Company if fairly made: provided, no contract involving a value of more than two hundred and fifty dollars shall be binding on the Company without authority specially given first by the Board of Directors. The Board of Directors shall have power to receive further subscriptions to the capital stock of the Company from time to time until the whole amount shall be subscribed for, on the same terms and conditions as those prescribed for the government of the Commissioners in section four of this act: provided, said Board may cause certificates of stock to be issued in payment of any debt contracted for construction or equipment of the road, with the consent of the stockholders first given by vote; but no certificate of a stock shall be issued before the construction and equipment shall be completed and received by the Company for which the debt may have been incurred. That so soon as the Board of Directors shall be organized, it shall be the duty of the Commissioners mentioned in section four, to deliver to them all the money received by them in subscriptions to the capital stock of the Company, notes, obligations, less a reasonable compensation for services in obtaining the same, and all other property, papers, books and documents that may be in their charge, and the like duty is incumbent on each officer or agent of the Company to make a delivery to his successor of all that may be in his hands, or under his control. If any subscriber to the capital stock of said Company shall fail to pay any amount due upon shares subscribed for, the Board of Directors may after twenty days' notice given at the court-house at Anderson county, cause the shares subscribed for by said delinquent to be sold at public auction, at the said court-house for cash, and transfer the said shares to the purchaser thereof, and if the proceeds of the sale shall not be sufficient to pay the amount with interest and charges, such stockholders shall be liable for the amount of the deficit to the Company; but, if the proceeds of the sale shall exceed the amount so due, with the interest and charges, he shall be entitled to the surplus. All agreements whereby a person becomes a subscriber to the capital stock of the Company, shall be enforced against him according to the tenor and effect of the same.

Sec. 8. That it shall be lawful for said Company to receive by donations, and also, to purchase and hold any land that may be necessary for the purpose of locating, constructing and main-

taining the railroad and bridge across the Neches river, with all necessary depots and other houses and buildings, and by their engineers and agents to enter upon, and take possession of, all such lands as may be necessary for the locating, constructing and maintaining the said railway and bridge; and if they shall not be able to receive the same by donation or agreement with the owner, the Company shall pay for the same such amount as shall be determined in the manner provided for in the following section; the lands so taken for the railroad shall not exceed one hundred and fifty feet in width, and for depots and other buildings all such further width as may be necessary.

Sec. 9. That any person from whom any land may be taken under the provisions of this act, may apply to the District Court of Anderson county, for the appointment of appraisers, and the Court after proof that the President of the Company has been served with notice describing the lands taken, five days before the holding of the Court, shall appoint three disinterested freeholders, citizens of said county, and shall appoint a time and place in Anderson county, to hear the application. Reasonable notice of the time and place shall be given to the President of the Company, and the said freeholders being sworn to decide the matters submitted to them according to law, to the best of their skill and ability, shall after hearing the parties and examining the lands taken and the neighboring lands of the owner, if he has any, determine the amount of compensation the Company shall make the owner, and make report thereof to the next term of the said District Court; and the said report may be confirmed, or for sufficient reason rejected by the Court, in the same manner as awards by arbitrators under a rule of the Court, and if confirmed by the Court, judgment shall be rendered thereon for the amount reported, as in other cases. In determining the amount of compensation to be made the owner of the land, the freeholders shall be governed by the actual value at the time it was taken, taking into consideration the injury and benefit done to the neighboring land of the owner, by the establishment of the railroad or bridge. If the amount reported and confirmed to the owner, shall not exceed the amount proven to have been offered by the Company before the application to the Court, the owner shall pay all the costs of the proceedings; otherwise, the Company shall pay the same, and judgment for the cost shall be rendered accordingly. The appraisers shall be allowed a reasonable compensation for their services, not to exceed ten dollars each.

Sec. 10. That the Company shall have power to borrow

money on the faith of the bonds or notes of the Company, at such rates of interest as the Board of Directors may deem proper, not to exceed twelve per cent. per annum.

Sec. 11. That this Company may adopt and construct the road on the same gauge that is, or may be hereafter used by the Houston, Trinity and Tyler Railroad Company. The Company shall be allowed three years from and after the time that the Houston, Trinity and Tyler railroad shall be completed to the town of Crockett or a point opposite the same, and unless the same be fully completed in that time they shall forfeit all rights under this charter. The Company is to be subject to all the general laws of the State to regulate railroad companies, and the right is reserved to the State at all times to pass such laws as may be proper for the regulation of the same and the public interest.

Sec. 12. Upon the written request of one-third of the stockholders of the Company, it shall be the duty of the President to remove any of the Directors, and two-thirds of the Directors may remove the President and fill his vacancy. At the written request of one-fourth of the stockholders of the Company, a special meeting shall be held at such times as may be stated in the request, and at the Court-house in Anderson county, but to do or transact no other business than that mentioned in the request. It is made the duty of the President to call a meeting and give at least five days' notice thereof, as directed for notices in this act. In his absence or failure to act, any one of the Directors may perform the same. The record of the proceedings of the Board of Directors shall be signed by the Directors present, amounting to a quorum.

Sec. 13. All transfers of the shares in the capital stock of the Company shall be made in the books of the Company, and no other transfer shall be regarded as valid, except as provided for in this act, and no stock shall be sold or subscribed for, at less than its full value.

Sec. 14. That said Company shall be entitled to all the grants, rights, privileges and immunities of an act entitled "an to encourage the construction of railroads in Texas by donations of land." approved January 30th, 1854.

Sec. 15. That this act take effect and be in force from and after its passage, and continue for ninety-nine years.

Approved February 9. 1860.

CHAPTER 142.

An Act to incorporate the Dallas Bridge Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That Sarah H. Cockrell and such other persons as she may choose to associate with herself, and their successors be, and they are hereby created a corporation under the name and style of "The Dallas Bridge Company," and may continue for the term of twenty years.

Sec. 2. That said Company may have a corporate seal, and may own and hold such property both real and personal, as may be necessary to carry out the object of this charter, not to exceed fifty thousand dollars in value, and may dispose of their joint or several interests in the same at pleasure.

Sec. 3. That it shall be the duty of said Company within two years, to build a good, substantial and safe bridge across the Trinity river, at, or within two hundred yards, above or below the point where a line drawn due west from the center of the public square in the town of Dallas would strike said river; also, to build a good, safe and substantial causeway from said bridge to the highland on the west of said river, the same to be at least twelve feet wide, said bridge and causeway to be kept in good repair at all times for the safe and convenient crossing of passengers, their stock and vehicles.

Sec. 4. That when said bridge and causeway have been completed and are in good condition for crossing, then said Company shall be authorized to erect a toll gate, at or near said bridge and demand and receive from each and every person crossing said bridge and causeway, who are not residents of Dallas county, a toll not to exceed the following rates, to-wit:

For each wagon, carriage, cart or other vehicle where the same is drawn by more than two horses or other animals, twenty cents per wheel and five cents for each animal by which the same is drawn; and where the same is drawn by two animals or less ten cents per wheel and five cents for each animal by which the same is drawn; for each animal and rider, ten cents; for each loose horse, mule, jack or jennette, five cents; for each loose animal of the cattle kind, three cents; for each sheep, goat or hog, two cents, and for each foot passenger five cents; and from citizens of Dallas county, one-half of the above rates.

Sec. 5. That any person crossing said causeway, who shall by attempting to pass around said bridge, or otherwise attempt to evade the payments of the tolls herein allowed, when said Company are authorized to demand and receive the same, shall

forfeit and pay to said Company for every such attempt, the sum of five dollars for each item attempted to be evaded, which may be recovered before any Justice of the peace in whose jurisdiction such person may be found: provided, nothing herein contained shall be construed as to prevent any person from crossing at any ford on said river.

Sec. 6. That it shall be the duty of the County Court of Dallas county at its first meeting in each year, after they are so requested by said Company, to appoint three Commissioners who shall hold their office for one year and until their successors are appointed, whose duty in shall be to examine said bridge and causeway, and whenever they shall consider the same not in a good and safe condition for crossing, they shall have power to throw open the toll gate herein authorized and keep the same open until the said bridge and causeway are repaired and placed in good condition within the meaning of this act.

Sec. 7. That said Company shall be authorized to collect the tolls herein allowed for ten years, after which time the said tolls shall be regulated by the County Court of Dallas county: provided, the same shall not be reduced more than half the above rates.

Sec. 8. That no person shall be authorized to erect any bridge or keep any ferry across said Trinity at or within two miles of the bridge herein authorized to be built, during the existance of this charter, after the said bridge and causeway are completed: provided, that in case the said bridge shall get out of repair, the said Company shall be authorized to keep a ferry boat for the crossing of passengers over said river until the said bridge is put in order.

Sec. 9. That said Company shall, at all times, have some person at said toll gate or ferry, ready to permit persons to pass and shall be responsible in damages to the party injured for all reasonable delays.

Sec. 10. That this act take effect from and after its passage.
Approved February 9, 1860.

CHAPTER 143.

An Act to incorporate the East Fork Bridge Company.

Section 1. Be it enacted by the Legislature of the State of

Texas, That Joseph M. Bonnds, Albert Massie, John T. Cave, William Wilson and James A. Cave, all of the county of Collin, and such other persons as they may associate with them, and their successors, be and they are hereby constituted and declared to be a body politic and corporate under the name and style of the East Fork Bridge Company.

Sec. 2. That the said persons, their associates and successors, under the name and style aforesaid, may sue and be sued, plead and be impleaded, defend and be defended in all the courts whatever in this State, and may have a common seal and may alter the same at pleasure.

Sec. 3. That the said persons, their associates and successors, under the name and style aforesaid, shall be authorized to construct and maintain a bridge over the east fork of the Trinity river, at such a place at or near the road leading from McKinney in Collin county, to Greenville in the County of Hunt, as may by them be deemed most eligible, and to purchase and hold such property, real, personal and mixed, as may be necessary or useful for the construction and maintenance of said bridge, and to do all other acts, and perform all other works that may be necessary for the purposes aforesaid, not contrary to the Constitution and laws of this State.

Sec. 4. Said corporation may enact such by-laws and rules for the management of its affairs as are not inconsistent with the Constitution and laws of this State, and shall have power to elect a Director or Directors, by whom the business of the Company may be conducted, and whose name or names shall be made known to the public.

Sec. 5. That said bridge shall be completed within two years from and after the passage of this act, otherwise this charter shall be null and void.

Sec. 6. That the said corporation shall be authorized to charge tolls, not to exceed the following rates, to-wit: For a loaded road wagon with two yokes of oxen, fifty cents, and for each additional yoke, ten cents; if unloaded, one-half of the above rates; for a common farm wagon with one yoke of oxen, twenty-five cents, and for each additional yoke, ten cents; for a loaded wagon with four or more horses or mules, seventy-five cents, with two to three horses or mules, fifty cents, with one horse, twenty cents, if unloaded, one-half of these rates; for a carriage, or other light traveling vehicle with a pair of horses or mules, forty cents, for each additional pair, twenty cents, and with one horse twenty-five cents; for a stage coach with four horses, fifty cents, with two horses, thirty cents; for a horse and

rider, ten cents, loose horses, mules or cattle five cents per head, and for hogs and sheep, two cents each, and for all other animals and things not herein enumerated, at proportional rates to those herein specified, provided that residents of Collin County shall not be taxed for crossing on foot or with a single horse or carriage, and provided all persons passing with loose stock of any kind, shall not be compelled to cross such stock on the bridge.

Sec. 7. That said Company be, and they are hereby required and bound, to keep said bridge in good repair, and to keep in constant attendance at the toll gate of the same, a sufficient number of persons to admit passengers and property to cross at any time, day and night.

Sec. 8. That the privileges granted by this act shall cease and determine at the expiration of twenty years after the completion of said bridge. The Company shall at all times keep and maintain a good road across the bottom to the high land on each side of the river, and in case of failure to keep the bridge or road across the bottom in good repair, the County Court upon satisfactory proof, may issue an order to keep open the gates of said Company, and no toll shall be collected until the necessary repairs have been made.

Sec. 9. That the County Court of Collin county may at any time after the completion of said bridge, at their option, purchase the same of said Company by paying to said Company, the value of said bridge and repairs upon the road, at the time of such purchase, and if the Court and the Company cannot agree upon the price to be paid, the said Company shall select one citizen of said county, and the County Court another citizen, who shall act as umpires, and fix and determine the amount to be paid, and if the two cannot agree, they shall select a third person to act with them, and the decision of the umpires shall be final and conclusive between the parties; and this act shall take effect and be in force from and after its passage.

Approved 9th February, 1860.

CHAPTER 144.

An Act to incorporate the Galveston Firemen's Relief Fund Association.

Section 1. Be it enacted by the Legislature of the State of

Texas, That the officers and members of the Galveston Firemen's Relief Fund Association, located and established at the city and county of Galveston, and their successors shall be, and they are hereby declared to be a community corporation and body politic, by the name and style of the Galveston Firemen's **Relief Fund Association**, and by that name they and their successors shall, and may at all times hereafter be capable in law to have, receive and retain any property or estate, real or personal, by gift, purchase, devise or bequest, and such property or estate at their pleasure, to sell transfer or dispose of, and generally to manage and control in such manner as they may think proper.

Sec. 2. This corporation by the name and style aforesaid, is created for benevolent purposes, and for the aid and relief of the sick, disabled and destitute firemen, and the widows and orphans of deceased firemen, and shall be capable in law to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended against, in all and every court and before all or any of the Judges, officers or other competent persons whatsoever in all actions at law, or suits in equity, in and about all things whatsoever.

Sec. 3. The said corporation may have a common seal for their use, and the same at their will to change, alter or make anew, from time to time, as they may think best, and shall in general have and exercise all such rights, privileges and immunities as are by law and custom incident to, and necessary to corporations of a similar character; shall continue for twenty years, and this act take effect from its passage.

Approved 9th February, 1860.

CHAPTER 145.

An Act to incorporate the Sabine and Neches River Insurance Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That there is hereby created, and may be established in the town of Sabine Pass, a Company for the purpose of transacting a general insurance business, which Company shall be called and known by the name of the Sabine and Neches River Insurance Company, and the stockholders and their successors shall have continuous succession, and by that name shall be

capable of suing and being sued in all the courts of this State; of purchasing, holding and conveying property of all descriptions, not exceeding in value twenty-five thousand dollars at any one time, to make, have and use a common seal, and the same to alter and renew at pleasure, and generally to do any act necessary to carry into effect the objects of the corporation, not inconsistent with the laws and Constitution of this State or of the United States.

Sec. 2. That the capital stock of this Company shall be one hundred thousand dollars, to be divided into one thousand shares of one hundred dollars each, and the same to be paid in the manner following: ten dollars on each share shall be paid at the time of subscription, and the residue at such times and places as the President and Directors may direct; which capital stock may hereafter be increased to two hundred thousand dollars by the President and Directors of the corporation whenever a majority of the stockholders by vote shall direct. The said stock shall be deemed and held as personal property, and if any stockholder shall neglect and refuse to make the payments as required, his stock may be sold by the order of the President and Directors in such manner as they may think proper to direct, and such stockholder shall be liable for the balance due by him as stockholder to the corporation as it becomes due, and may be sued in the District Court of Jefferson county for the same.

Sec. 3. That the books of subscription shall be opened in the town of Sabine Pass for said shares under the superintendence of H. B. Ochiltree, C. H. Alexander, D. R. Wingate, Seymour White, M. J. Phillips, H. W. Bendy, P. F. Renfro, William Garrett and J. C. Trayler or any three of them; that said books of subscription shall be opened at any time prior to the first day of January, 1861, at such place in said town of Sabine Pass, as the said Commissioners or any three of them may direct, advertisement of the time and place of opening such books to be made for three weeks in the newspaper published in Sabine Pass, and they shall be kept open until the said sum of one hundred thousand dollars shall be subscribed for, and the said Commissioners or any three of them, shall as soon as may be convenient after the books of subscription are closed, call a meeting of the subscribers to the stock, and shall proceed to the election of not less than five nor more than eleven Directors, as may be determined by them, and the said Directors shall elect one of their own number President; and the said President and Directors elected in pursuance of this act, shall have

full power and authority to make, appoint and remove at pleasure, all officers and agents of said corporation, to fix their compensation, prescribe their duties and provide for the taking of bonds from them for the faithful discharge of their duties, and generally to manage the affairs of said corporation. They shall also have power to fill any vacancy which may occur in their own body, and also to appoint a President pro tem. when the President may be absent from their meetings; and if the President or any Director be absent without leave for four successive regular meetings of the Board, a majority of the same may declare his place vacant, and proceed to fill it without notice to such absent President or Director.

Sec. 4. That the Directors of the corporation shall call an annual meeting of the stockholders for the purpose of electing Directors, who, when so elected, shall hold their offices for the term of one year, or until their successors are elected; and in all meetings of the stockholders those holding a majority of the stock shall constitute a quorum, and each stockholder shall be allowed one vote for each share he holds; and the stock may be represented either in person or by proxy, and the power to cast the votes of absent stockholders may be constituted by any written expression of the stockholder so appointing a proxy to vote for him.

Sec. 5. That said corporation shall have full power to make insurance upon ships and other sea vessels, and upon steamboats, and all other river crafts, and boats of every kind, and all goods, wares and merchandize, slaves, bullion, money and other property against all maritime and river risks, and upon houses, stores and other buildings, goods, wares and merchandize of every description against loss or damage by fire, and to fix the premium thereon; and it may loan its monies or other properties to any person or persons on any security it may think proper: Provided, that nothing in this act shall be so construed as to authorize this corporation to use its monies or other properties in any manner which it may not be lawful for any citizen in this State to do.

Sec. 6. The President and Directors of this Company shall annually or semi-annually divide to the stockholders thereof as much of the profits of the business of the Company as in their discretion they shall deem safe and proper, which dividends when declared, shall, in the discretion of the President and Directors, be endorsed on the unpaid stock notes of the party entitled to the dividend until such notes are paid in full or in their discretion, may be paid to the parties entitled. But no

dividend of any of the profits of the Company shall be made at any time unless the capital paid in remain unimpaired.

Sec. 7. So soon as the President and Directors of the Company shall establish, by proof to the satisfaction of the County Court of Jefferson county, that ten per centum on one hundred thousand dollars of the capital stock of the corporation has been paid in by the stockholders to the Secretary of the Company, and that the balance or residue of said one hundred thousand dollars of capital stock has been secured to be paid when called for, by the notes of the subscribers to said capital stock well secured by not less than two good and solvent persons, or by mortgage on real estate sufficient to amply secure the same; and also shall establish to the satisfaction of said County Court, that the direction of said corporation has been organized, in conformity with the provisions of this act, then said County Court shall give them a certificate thereof, which shall be their warrant to commence business operations under the authority conferred by this act. And any increase in the capital stock of said company, beyond said sum of one hundred thousand dollars, shall be by resolution of the stockholders at their regular annual meeting, and the subscriptions to such increased stock shall be secured as in this section before provided; but the Company shall not be allowed to do business on such increased capital stock until the President and Directors thereof shall have made proof to the satisfaction of the County Court of said Jefferson county, that ten per cent. on such increased stock has been paid to the Secretary of the Company, and that the residue of the subscriptions to such increased stock have been secured to be paid in the manner as in this section provided in relation to the first one hundred thousand dollars of stock subscriptions, and said County Court shall have given a certificate thereof to said President and Directors.

Sec. 8. That the President and Directors of said corporation shall have power to fix the places and modes of transfer of certificates of stock, as well as the payment of interest and dividends. That a majority of the Board of Directors shall constitute a quorum for the transaction of business and that said Board of Directors shall also have power to pass such by-laws as may be necessary to carry this act into effect, to delegate authority to such officer or person as they may deem proper, and to execute or authorize the execution of all such bargains and contracts as may seem to them best for the interests of the corporation.

Sec. 9. That the said corporation shall be responsible to the

extent of its property, and the stockholders to the extent of the amount of their respective stock not paid up. In case the Company shall fail, refuse, or be unable to pay any judgment which may be recovered against the same, the person or persons interested in said payment shall have a right of action against each stockholder thereof, and his, her, or their securities on the notes required to be given by the seventh section of this act, until such judgment or judgments are satisfied; and the officers of said Company shall, during the month of January of each year, cause a full and accurate statement of the affairs of the Company to be made up and published, at least one week in some newspaper published in Jefferson county, which statement shall be signed and sworn to by the President and Secretary of the Company; and in case there is not a newspaper in said county, then such statement shall be published in some newspaper in Liberty or Galveston.

Sec. 10. That this charter and all the privileges and powers herein granted shall continue in force and effect for the full term of twenty-five years from the passage of this act, and the property, funds and business transactions of this corporation shall be subject to the same rate of taxation by law imposed on the property and similar transactions of individuals.

Sec. 11. That this act take effect and be in force from and after its passage.

Approved February 9, 1860.

CHAPTER 146.

An Act to prevent the sale of vinous, spirituous, or other intoxicating liquors within one mile of the towns of New London, in Rusk County, Veal's Station in Parker county, Mount Enterprise in Rusk county and Vicksburg in Upshur county.

Section 1. Be it enacted by the Legislature of the State of Texas, That if any person or persons, either with or without a license from the County Court of Rusk county, or the County Court of Parker county, or the County Court of Upshur county shall sell, or offer for sale, or be in anywise concerned in selling spirituous, vinous or other intoxicating liquors within one mile of the public square of the towns of New London and Mount

Enterprise in Rusk county, and Veal's Station in Parker county, and Vicksburg in Upshur county, he, she or they shall be deemed guilty of a misdemeanor, and upon conviction thereof before any Justice of the Peace shall be fined in a sum not less than fifty nor more than one hundred dollars for every such offense.

Approved February 9, 1860.

CHAPTER 147.

An Act authorizing the County Court of Henderson county to levy a special tax, after an election had for that purpose.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Chief Justice of Henderson county, at any time after the passage of this act, be, and he is hereby authorized to cause an election to be held in said county, after the same notice and in the same manner as provided for in the acts regulating elections, at which election, all the citizens of said county authorized to vote for members of the Legislature, shall be permitted to vote upon the question of levying a special county tax for building a court-house in said county; those voting for the special tax, to put on their tickets, the words, "For the tax," and those voting against the tax to put on their tickets the words, "Against the tax," and if at said election, there be found a majority of the whole votes cast for the tax, then the County Court of said county is authorized to levy a special tax of not more than twenty cents on the hundred dollars of the value of all real and personal estate in said county, subject to the State tax to be collected at the same time and in the same manner as the State tax, and to be appropriated when collected to the building of a court-house in said county.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved Feb. 9, 1860.

CHAPTER 148.

An Act to authorize the County Courts of the counties of Wise, Denton, Bosque, Coryell, Hill, Falls, Fort Bend,

Jackson, Calhoun, Cameron, Hidalgo, Orange, Comanche, Hamilton, Lampasas, Gillespie and Palo Pinto, Van Zandt, Bexar and Karnes to levy and collect additional taxes.

Section 1. Be it enacted by the Legislature of the State of Texas, That the counties of Wise, Denton, Bosque, Coryell, Hill, Falls, Fort Bend, Jackson, Calhoun, Cameron, Hidalgo, Orange, Comanche, Hamilton, Lampasas, Gillespie, and Palo Pinto, Van Zandt, Bexar and Karnes be, and they are hereby authorized to levy and collect an additional special tax, not more than the State tax, for the purpose of erecting county buildings.

Sec. 3. That this act take effect and be in force from and after its passage.

Approved February 9th, 1860.

CHAPTER 149.

An Act to pay certain persons for arresting Jno. Shanks, charged with forgery, and procuring testimony against him.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Treasurer of the State be, and he is hereby required to pay the following amounts out of any money in the Treasury not otherwise appropriated, viz: To C. S. Mellette, five hundred dollars for apprehending and bringing to Austin the said Shanks. To S. V. Pruett, Sheriff of Cass county, the sum of fifty-two dollars, the amount expended by him in bringing to Austin, E. G. Benners, under attachment as a witness against the said Shanks, and to E. G. Benners, the sum of one hundred and twenty-five dollars for loss of time and expenses on account of having been attached as above, and that this act take effect from its passage.

Approved 9th February, 1860.

CHAPTER 150.

An Act for the relief of James C. Dillingham.

Section 1. Be it enacted by the Legislature of the State of

Texas, that the Commissioner of the General Land Office issue to James C. Dillingham a certificate for three hundred and twenty acres of land, to be located and surveyed as other headright certificates: provided, he shall prove to the satisfaction of the Commissioner of the General Land Office, that he has not heretofore received any certificate or patent therefor.

Sec. 3. That this act take effect from and after its passage.

Approved 9th February, 1860.

CHAPTER 151.

An Act for the relief of the heirs of William H. Settle.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue a certificate for one-third of a league of land, as a headright, to the heirs of William H. Settle, which may be located on the public domain, in the like manner as other land certificates.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved Feb. 9, 1860.

CHAPTER 153.

An Act for the relief of W. De Woody.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to William De Woody a certificate for six hundred and forty acres of land to be located upon any portion of the unappropriated public domain of the State of Texas: provided, the said De Woody has not heretofore received a headright.

Sec. 2. That this act take effect from and after its passage.

Approved 9th Feb'y, 1860.

CHAPTER 154.

An Act for the relief of W. D. Langham.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to W. D. Langham, a certificate for six hundred and forty acres of land as a headright, which may be located upon any of the public domain of this State: provided, that he has never heretofore received the same.

Sec. 2. That this act be in force and take effect from and after its passage.

Approved 9th February, 1860.

CHAPTER 155.

An Act for the relief of Richard N. Williams.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and is hereby authorized and required to issue to Richard N. Williams, a certificate for six hundred and forty acres of land.

Sec. 2. That said certificate when issued may be located on any vacant and unappropriated land in the State of Texas; and that this act take effect from and after its passage.

Approved 9th February, 1860.

CHAPTER 156.

An Act for the relief of Wilson Woods.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office is hereby authorized and required to issue to Wilson Woods, or his legal assigns, a patent for three hundred and twenty acres of land as described by the field notes of said Wilson Woods, pre-emption claim.

Sec. 2. That this act shall take effect and be in force from and after its passage.

Approved 9th February, 1860.

CHAPTER 157.

An Act for the relief of the heirs of William L. Fleming, deceased.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Comptroller acting Commissioner of Claims be, and is hereby authorized and required to issue to the heirs of William L. Fleming, deceased, a six hundred and forty acre certificate in consideration of his having emigrated and settled as a colonist in Mercer's colony, in the Republic of Texas, said certificate to be located and patented as other certificates of a similar character: provided, none has heretofore issued.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved 9th February, 1860.

CHAPTER 158.

An Act for the relief of John T. Wilson and T. H. Robertson, and to the heirs of Mark Copeland, deceased.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby required to issue to John T. Wilson, a certificate for three hundred and twenty acres of land, and to the heirs of Mark Copeland, deceased, a certificate for one labor of land, and also, a certificate to T. H. Robertson, for three hundred and twenty acres of land.

Sec. 2. That said certificate when issued may be located, surveyed and patented upon any of the unappropriated public domain of the State of Texas, and that this act take effect and be in force from and after its passage.

Approved 9th February, 1860.

CHAPTER 159.

An Act for the relief of the heirs of Addison Litton.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be,

and he is hereby authorized and required to issue to the heirs of Addison Litton, a certificate for one league of land, as balance of his headright of one league and labor, to be located, surveyed and patented on any of the public domain not otherwise appropriated, as in other cases: provided, the same has not heretofore been issued, and that this act take effect and be in force from and after its passage.

Approved 9th February, 1860.

CHAPTER 160.

An Act for the relief of Richard B. Wardroup.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Treasurer of the State of Texas be, and he is hereby required to pay to Richard B. Wardroup of Anderson county, Texas, or his only authorized agent, the sum of two hundred and forty-four dollars and forty cents, the amount of a special deposit made in the Treasury on the twenty-third day of August, A. D. 1856, by W. K. Payne, administrator of the estate of Samuel Jones, and that this act take effect and be in force from and after its passage.

Approved 9th February, 1860.

CHAPTER 161.

An Act for the relief of Thomas J. Smith, of Fort Bend county, one of the survivors of Col. J. W. Fannin's command.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby required to issue to Thomas J. Smith, of Fort Bend county, Texas, a certificate for one league of land, which may be located upon any of the unappropriated public domain, in consideration of his services under Col. J. W. Fannin in 1836, and of his being physically disabled from working at his trade, and that this act take effect and be in force from and after its passage.

Approved 9th February, 1860.

CHAPTER 162.

An Act for the relief of Daniel Hopkins.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and is hereby authorized and required to issue to Daniel Hopkins, his heirs, or assigns, a headright certificate for one league of land, in lieu of a title granted to said Hopkins by Charles S. Taylor, on the 28th day of November, 1835: provided, there is no evidence that the said Daniel Hopkins, his heirs, or assigns, have heretofore received any other league of land as a headright from the Government of Texas.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved 9th February, 1860.

CHAPTER 163.

An Act for the relief of Leslie Combs.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Comptroller of Public Accounts be authorized to issue to Leslie Combs two certificates, for one hundred dollars each, of the consolidated stock of June 7th, 1837, in place of the originals, which were lost, and which were issued to him on the 19th day of April, 1839, and numbered 5,232, and 5,233.

Sec. 2. That this act take effect from and after its passage.

Approved 9th February, 1860.

CHAPTER 164.

An Act for the relief of Sarah Miles.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be authorized and required to issue to Sarah Miles, of Fayette county, a certificate for one league of land, to be located and

surveyed upon any vacant and unappropriated public domain of the State of Texas, and patented as other surveys.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved 9th February, 1860.

CHAPTER 165.

To legalize the first elections of County Officers of Montague county.

Section 1. Be it enacted by the Legislature of the State of Texas, That the first election for county officers of Montague county, be and the same is hereby declared legal in all respects; and that this act take effect from its passage.

Approved 9th February, 1860.

CHAPTER 166.

An Act for the relief of John Smith.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to John Smith, a donation certificate for one-third of a league of land, to be surveyed and patented on any of the vacant public domain, as other head-right certificates: provided the said John Smith has not received any land as a headright.

Sec. 2. That this act take effect from its passage.

Approved 9th February, 1860.

CHAPTER 167.

An Act for the relief of Samuel Everett.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be

authorized and required to issue to Samuel Everett a certificate for three hundred and twenty acres of land, to be located upon any of the public domain not reserved from location, and to be surveyed and patented as in other cases: provided no certificate has heretofore issued; and that this act take effect from its passage.

Approved 9th February, 1860.

CHAPTER 168.

An Act to incorporate the Texas Telegraph Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That H. de St. Cyr, N. B. Yard, David Bradbury, F. H. Merriman and John S. Clute, Jr., of the city of Galveston, and their associates be, and they are hereby incorporated under the name and style of the Texas Telegraph Company, and by that name shall have succession—may sue and be sued, defend and be defended, plead and be impleaded, have a corporate seal, and the same make, break or alter at pleasure.

Sec. 2. The capital stock of said company shall not exceed five hundred thousand dollars, and shall be in shares of one hundred dollars each; nor shall it be used in any other manner, or for any other purpose than that connected with the business of said company, as set forth in the following section.

Sec. 3. Said company shall be and are hereby authorized to establish and keep up a telegraph line from Galveston, via Houston, to the Sabine river—from Galveston, via Houston, to Henderson—from Galveston, via Houston to Preston, on the Red River, and from Galveston, via Houston, Austin and San Antonio, to El Paso, by the most direct and practicable routes; to appoint and remove all such agents and officers as they may think proper and necessary for the purposes aforesaid, and to establish a tariff of charges on messages sent on said line, and alter the same as they may deem proper.

Sec. 4. The holders of stock already subscribed in said company, or which may hereafter be subscribed, shall be called as soon as practicable to meet at Galveston, to organize under this act, and until the close of such meeting the persons named in the first section of this act shall be the directors of the company.

Sec. 5. At said first meeting of the stockholders, and at such

other stated meetings as they determine, said company shall elect their officers, and make such by-laws as they may think advantageous: provided nothing herein contained shall prohibit said company from investing in their president or directors, or both, the power to fill such subordinate offices and agencies as the company may create: provided, also, that their by-laws shall not be inconsistent with this act, or with the laws of the State.

Sec. 6. At all meetings of stockholders a share of one hundred dollars shall be entitled to one vote which may be given by the holder in person, or by written proxy.

Sec. 7. The books of the company shall always be open to the inspection of any stockholder, and no share of stock shall be transferred, except upon said company's books, when a new certificate shall issue to the assignee.

Sec. 8. Said company are authorized and required to connect their line with other lines in this State, or to permit other lines to connect with their line, upon such terms as they may agree upon.

Sec. 9. Said company may determine to what extent the non-payment of shares upon stock shall operate as a forfeiture of the same. Should any subscriber fail to pay the first installment called for after the organization of said company, his subscription shall be void, and the share or shares may be re-issued.

Sec. 10. All contracts heretofore made by said company with shareholders or contractors, may be executed under this act, and in the corporate name of the said company.

Sec. 11. In all suits against the company, citation duly served upon the President, or in any other manner now prescribed, or that may hereafter be prescribed by law, in cases where corporate bodies are parties, shall be sufficient.

Sec. 12. Said company shall be required to transmit all messages and dispatches over their line in the order in which the same are delivered to them for transmission.

Sec. 13. All operators, agents and clerks in the employ of the said company, shall be duly sworn before some justice of the peace or notary public, in the county where they are so employed, to keep secret and inviolate any and all messages and dispatches handed to them for transmission; and any violation of said oath shall be deemed a felony, and punishable by a fine or imprisonment, or both.

Sec. 14. Every share of stock upon which the regular installments called for by the company have been paid, shall entitle the owner to one vote at all meetings of the stockholders.—

Should any stockholder, at any time, fail, or neglect to pay any, or all the installments called for on his or their share or shares, during the time of such non-payment, the holder of such share or shares shall not be entitled to draw any dividend, or vote at any meeting of the stockholders in virtue of such share or shares; nor shall he be eligible to the office of director during such time; and if he be a director at the time, his office as director shall be declared vacant by the remaining directors, and a new director be elected or appointed by the Board. No new stock shall be issued, by the Board of Directors, giving a right to the holder to vote at a meeting of the stockholders until the holder has paid in full an amount equal to the sum of the installments paid by prior holders.

Sec. 15. No transfer of any interest in the franchise hereby granted can be made until after the organization of the company, and then only by a transfer of the shares of the stock owned by the holders, made by the holder on the books of the company. The corporators named in this act shall have no power or authority to transfer the right to organize said company to any other person or persons.

Sec. 16. That the company organized under this act shall build, erect and keep in good working order one hundred miles of said telegraph lines within eighteen months from and after the passage of this act. That said company shall keep an office for the transmission of messages or communications over their lines at the various termini of the Texas Central Railroad, and Buffalo Bayou, Brazos and Colorado Railroad, as they progress, and at such other points on the several lines contemplated by this act, as may be for the interest of the people and the company.

Sec. 17. No exclusive franchise is granted by this charter. And to guard against monopolies it is hereby expressly declared that the company organized under this act accept the franchise upon this express condition: that any other company which may hereafter be incorporated for building telegraph lines, shall be entitled to the privilege of participating in, and enjoying all the rights and privileges secured, or that may hereafter be secured to this company by any contract or arrangement made by this company with any railroad company incorporated, and which may be incorporated in the State of Texas.

Sec. 18. That this act may be altered, amended or repealed at any time by the Legislature, and shall take effect from and after its passage.

Approved 9th February, 1860.

CHAPTER 169.

An Act to define the salary of Accountant in the Comptroller's Office.

Section 1. Be it enacted by the Legislature of the State of Texas, That the salary of the Accountant in the Comptroller's Office be, and the same is hereby fixed at one thousand two hundred dollars annually.

Sec. 2. That this act take effect from and after its passage.

Approved 9th February, 1860.

CHAPTER 170.

An Act for the relief of William Drake.

Section 1. Be it enacted by the Legislature of the State of Texas. That William Drake be, and he is hereby permitted to retail or peddle goods, wares and merchandize in this State, without obtaining a license or paying a tax for the same: provided, however, that if he shall sell, vend, or give any spirituous, vinous, or malt liquors in quantities less than ten gallons, he shall forfeit all the benefits of this act.

Approved 9th February, 1860.

CHAPTER 171.

For the relief of Nancy Robinson, formerly Nancy George, of Austin County.

Section 1. Be it enacted by the Legislature of the State of Texas. That the Commissioner of the General Land Office be, and he is hereby required to issue to Nancy Robinson, (formerly Nancy George,) of Austin county, a headright certificate for twelve hundred and eighty acres of land, which may be located on any vacant land of the State of Texas: provided that the said Nancy Robinson has not heretofore received any land as a headright; and that this act take effect from its passage.

Approved 9th February, 1860.

CHAPTER 172.

An Act for the relief of the Washington County Railroad Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That said company be, and they are hereby authorized to construct a good and substantial railroad bridge across the Brazos river, on the line of said road; said bridge to be constructed above high water-mark, so that steamboats may pass under the same at a mesne boating stage of water, by lowering their chimneys.

Sec. 2. That his act take effect from and after its passage.

Approved 10th February, 1860.

CHAPTER 173.

An Act for the relief of the heirs of Thomas Blanton.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and is hereby authorized and required to issue a patent to the heirs of Thomas Blanton, for the following described tract of land, containing 320 acres, situated in Wood county, Texas, and surveyed for the said Blanton during his lifetime, viz: Survey No. 46, made by James S. Cosby, deputy surveyor of Wood county, July 19th, 1854: provided that the party entitled pay to the Commissioner of the Land Office the sum of twenty-one dollars for issuing patent thereon; and that this act take effect and be in force from and after its passage.

Approved February 10th, 1860.

CHAPTER 174.

An Act to encourage the citizens of El Paso county to irrigate the Rio Grande Valley.

Section 1. Be it enacted by the Legislature of the State of Texas, That the County Court of El Paso county is hereby

authorized to let out to the lowest bidder or bidders a contract to construct a dam across the Rio Grande river above the town of El Paso, and to make a ditch or aqueduct, and all other fixtures or improvements necessary to irrigate the lands of the valley of said river, through said county; and the party or parties who may contract to make such improvements shall be entitled to receive two sections of land from the State for each and every mile of ditch or aqueduct constructed as aforesaid: provided said ditch or aqueduct shall not be less than eight feet wide and four feet deep.

Sec. 2. That upon the completion of every mile of said ditch or aqueduct, according to the stipulations of the contract, and the same is approved and certified to by the County Court of El Paso county, the Commissioner of the General Land Office is hereby required to issue to the contractor or contractors certificates for two sections of land, which may be located upon any public land in the State: provided that nothing herein contained shall be so construed as to authorize the company so authorized to charge for any additional depth or width which may be necessary to accomplish the object of irrigation, as contemplated in the preceding section.

Approved Feb. 10th, 1860.

CHAPTER 175.

An Act to incorporate the "Lexington Male and Female Academy."

Section 1. Be it enacted by the Legislature of the State of Texas, That James Shaw, John M. Doak, Benjamin F. Reaville, T. H. Mundine, John H. Randle, James L. Holliday, Samuel Fleming and John S. Allen, and their successors in office be, and they are hereby constituted a Board of Trustees of the "Lexington Male and Female Academy," heretofore established in the town of Lexington, county of Burleson, which is by this act incorporated by the name of "Lexington Male and Female Academy," by which name it may sue and be sued, plead and be impleaded, and buy and sell property, real, personal and mixed, and hold the same.

Sec. 2. That the lot of ground situated in the town of Lexington, known as the lot of two acres of ground set apart and

heretofore given and granted by deed to the trustees of said school and the Masonic Lodge No. 138, together with the said academy buildings, and all books and apparatus that may now belong to, or be connected with the same, or may hereafter be purchased, donated or granted to said academy, for school or educational purposes, be, and they are hereby placed under the supervision and control of the Board of Trustees heretofore mentioned in this act, or their successors in office, who shall hold the same in trust for the use and benefit of said academy: provided that this section shall not extend to, and control that portion or interest now owned and occupied by the Masonic Lodge, known as Neil Lodge, No. 138. That each of the individuals before named as trustees, shall hold their office as follows: Said trustees shall hold their office any term of years that they may agree upon, unless vacated by resignation or otherwise, and when a vacancy occurs it shall be filled by election held by the members of said Board: provided, it shall require a two-third vote to elect a trustee; and that said Board shall, by a two-third vote, have power to remove any member of said Board of Trustees, who shall be guilty of a gross violation of his trust.

Sec. 3. That the said Board of Trustees shall elect one of their own number Chairman of the Board. They shall, in like manner, elect one Treasurer and one Secretary. Said Treasurer shall, if demanded by the trustees, be required to give bond and security for the funds and money which may come into his hands. The Chairman shall preside at the meetings of said Board, but in his absence a Chairman "pro tem." may be appointed by said Board. The Treasurer, Secretary and Chairman shall be elected for a term of two years. The Treasurer shall keep a fair record of all money, notes and papers of value, received and paid out by him—paying the same out by order of the Board of Trustees—signed by the Secretary and President of the Board. Said officer may, at any time, be removed by the Board for dereliction of duty. The Secretary shall keep a fair record of all papers, resolutions and by-laws that may be passed by said trustees for the regulation and government of the school.

Sec. 4. No money shall be paid out by the Treasurer except by order of the trustees, signed by the Secretary and Chairman. The trustees shall have power to employ a President and as many Professors and Teachers in the academy as the educational interest may demand, and shall assign to all persons employed their duties respectively, and fix their salaries. They shall have power to appropriate any money in the treasury to pay the salary

of any person employed. And it shall be the duty of the trustees to appoint a special agent, to attend to the collection of tuition fees, and all moneys due to the academy. Said trustees shall have power to enact such by-laws, from time to time, as they may deem necessary for the government and regulation of said school: provided the same are not in violation of the constitution and laws of this State. They shall have power, by a two-third vote, to sell and dispose of any property belonging to said academy, (except the ground and buildings, books and apparatus occupied and used by the school,) and the proceeds of any such sale shall be applied to the educational interest of the academy.

Sec. 5. That should a necessity arise, the trustees shall have power to erect suitable buildings, and to separate the male from the female portion of the academy; and shall have power to erect and repair all necessary buildings and improvements upon any ground belonging to said academy, and to purchase, receive and hold property, books and apparatus for this purpose—to employ teachers and professors for this purpose. That the faculty of the “Lexington Male and Female Academy” shall consist of one President, Professors and Teachers, and shall have power to enforce all regulations and laws that may be enacted by the trustees for the government of said school, by using such measures as may be deemed reasonable; and shall have power to suspend any student who may knowingly and wilfully violate the laws of the academy, and to expel disorderly students: provided, that no student shall be expelled or suspended who has not violated some express law of the academy; and such expulsion or suspension shall continue in force until the convening of the trustees, who shall ratify or confirm the same.

Sec. 6. That the Board of Trustees, conjointly with the faculty, shall have power to confer such degrees in the arts and sciences upon any student of “Lexington Male and Female Academy,” or person thought worthy, as are usually conferred by other academies and institutions of similar grade, and to grant certificates of scholarship signed by the faculty and trustees, which said certificates or testimonials shall bear the impress of the academy seal. That said board shall have and use a seal to authenticate all their acts, and that two-thirds of said Board shall constitute a quorum for transacting business.

Sec. 7. That the “Lexington Male and Female Academy” shall have power to receive, hold contributions, any gifts, donations and bequests; and that the teachers of said academy shall

be entitled to the portion of the public school fund, and that a certificate signed by the President of the Board of Trustees, shall be sufficient to entitle them to the payment of the same upon its presentation to the County Court, together with a tabular statement of the school as in other cases. That it shall not be lawful for any person or firm to dispose of, sell, give or otherwise vend vinous or intoxicating liquor by the drink, and allow the same to be drank within two miles of said academy, except for medical purposes. And any one violating this section shall, upon conviction, be subject to a fine of one thousand dollars—one-half of said fine so collected to inure to the benefit of the State, and the other half to go to the trustees for the benefit of the academy.

Sec. 8. That this act shall continue in force for twenty years, and no longer.

Approved 10th February, 1860.

CHAPTER 176.

An Act for the relief of the heirs of Caldwell Carson, dec'd.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and be is hereby authorized and required to issue a certificate for six hundred and forty acres of land, to the heirs of Caldwell Carson, deceased, as his headright, which may be located upon any of the public domain of the State; provided that no certificate has heretofore issued to said Carson or his heirs.

Sec. 2. That this act take effect from its passage.

Approved 10th February, 1860.

CHAPTER 177.

An Act for the relief of Matiana Vega Delgado.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and is hereby authorized and required to issue to Matiana Vega

Delgado, widow of Polonio Delgado, a headright certificate for one league and labor of land: provided she has never heretofore received any land from the late Republic or State of Texas.

Sec. 2. That said certificate shall be located, surveyed and patented as other headright certificates of the same class.

Sec. 3. That this act take effect from and after its passage.

Approved 11th February, 1860.

CHAPTER 178.

An Act to define the boundaries of Calhoun county.

Section 1. Be it enacted by the Legislature of the State of Texas, That hereafter the boundaries of Calhoun county shall be as follows: Beginning at the West corner of the survey of Valentine Garcia, at the Western extremity of Lavaca Bay; thence to the North corner of a survey known as the Juan Nepomuceno Sisneros league; thence with the North-West boundary of said league to the Guadalupe river; thence down said river to its mouth; thence around with the Northern and Western margin of the Espiritu Santo Bay, to a point bearing North-West from Cedar Pass or Bayou (which divides Matagorda from St. Joseph Island); thence South-East to said Cedar Bayou, and with the aforesaid Cedar Bayou to the Gulf; thence with said Gulf, and South-East margin of Matagorda and Pelican Islands to the division line between the counties of Calhoun and Matagorda, as heretofore established; and thence with the line of Calhoun county, as now defined, to the place of beginning.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved 11th February, 1860.

CHAPTER 179.

An Act to amend the twenty-fourth section of an Act passed the 27th day of August, Eighteen Hundred and Fifty-Six, entitled "An Act to consolidate in one Act and to amend the several Acts incorporating the city of Galveston."

Section 1. Be it enacted by the Legislature of the State of Texas, That the twenty-fourth section of an act passed August 27th, 1856, entitled "An Act to consolidate in one Act and to amend the several Acts incorporating the city of Galveston," be so amended as to read as follows: "Section 24th. That the corporate limits of the city of Galveston be for the present, and until otherwise provided, all that section of territory from the Bay to the Gulf, lying between the East boundary of the city of Galveston on the East, and Forty-Third street on the West, as designated in the plan and map of said city, as laid out and made by the Galveston City Company, including the harbor and anchorage of Galveston, and also Pelican Island, so as to extend the authority of the corporation over all the territory defined."

Sec. 2. That this act take effect from and after its passage.

Approved 11th February, 1860.

CHAPTER 180.

An Act to amend the act to incorporate the city of San Antonio, approved July 17th, 1856.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sixth section of the fifth article of said act be so altered and amended as to read as follows, to-wit:

Section 6th. Every free white male inhabitant over the age of twenty-one years, who shall have resided six months in the city and one month in the ward where he offers to vote, shall be entitled to vote at all city elections: provided, he is a freeholder of property in said city, or a householder or occupant of a house or part of a house for his family residence, or for the carrying on of his trade, profession or business, and every free white male citizen of the United States having attained to the age of twenty-one years, and having the residence prescribed above, shall be entitled to vote at all city elections without

regard to his being a freeholder or householder, and that this act take effect from and after its passage.

Approved February 11, 1860.

CHAPTER 181.

An Act to validate unconditional certificate for three hundred and twenty acres No. 567, issued on the 4th February, 1856, to S. Pangburn, assignee of C. L. Wood.

Section 1. Be it enacted by the Legislature of the State of Texas, That the unconditional certificate for three hundred and twenty acres of land, No. 567, issued on the 4th February, 1856, to S. Pangburn, assignee of C. L. Wood, by the County Court of Montgomery county, be declared valid as if the same had been issued in accordance with law, and that this act take effect and be in force from and after its passage.

Approved February 11, 1860.

CHAPTER 182.

An Act to incorporate the West Fork Bridge Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That William H. Hunt, Pearce Woodward, Sylvanus Reed, Daniel Howell, A. E. Allen and A. Bishop, all of the county of Wise and their associates and successors, are hereby constituted and declared to be a body politic under the name and style of the West Fork Bridge Company.

Sec. 2. That the said persons their associates and successors under the name and style aforesaid, may sue and be sued, plead and be impleaded, defend and be defended, in all courts of the State of Texas, and may have a common seal, and may alter it at pleasure.

Sec. 3. That the said Company, under the name and style aforesaid, shall be authorized to construct a bridge across the West Fork of the Trinity river, at such a place at or near the mouth of Village creek, as may be deemed by them the

most eligible, and to purchase and hold property, real, personal or mixed, as far as necessary for the construction and maintenance of said bridge, and to do all other works, and perform all other acts that may be necessary, not contrary to the constitution and laws of this State.

Sec. 4. That said corporation may enact such by-laws and rules for the management of their affairs, as may be consistent with the constitution and laws of this State, and they shall have power to appoint a director, by whom the business of the Company may be conducted, and whose name shall be made known to the public.

Sec. 5. That said bridge must be completed within five years from and after the passage of this act, otherwise this charter shall be void.

Sec. 6. That the said Company shall be authorized to charge tolls: provided, the rates shall never exceed these charges, to-wit:

For a road loaded wagon with four or six yoke of steers,	75	"
For a road loaded wagon with two or three yoke of steers,	50	"
For a road loaded wagon with one yoke of steers,	25	"
For a road unloaded wagon with one to four yoke of steers,	25	"

each additional yoke, ten cents.

For a loaded wagon with four horses or mules,	75	"
For a loaded wagon with one or three horses or mules,	50	"
For an unloaded wagon with horses or mules,	25	"
For a carriage with one or two horses or mules,	25	"
For a horse and rider,	10	"

For loose horses, mules and cattle, five cents each. For all other things not herein enumerated at proportional rates to those herein specified.

Sec. 7. That said Company be, and it is hereby required to keep said bridge in good repair, and to keep in constance attendance at the toll gate of the same, a sufficient number of persons to admit persons and property to cross at any time by day or night.

Sec. 8. That the privileges granted in this charter to said Company shall cease and determine after the expiration of twenty-five years from and after the date of the passage of this act.

Sec. 9. That the County Court of Wise county, may at any time after the construction of said bridge, have the privilege of paying the fair valuation of the same to the corporation and take the ownership and control of it, which if the same can not be agreed upon between said Court and corporation, shall be decided by two disinterested persons, one to be chosen by the corporation and the other by the County Court.

Sec. 10. That this act take effect and be in force from and after its passage.

Approved 11th February, 1860.

CHAPTER 183.

An Act to incorporate the Houston Gas Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That William Truesdail, Horace Cone and Stephen A. Stiles, their associates and successors be, and are hereby constituted and declared to be a body corporate, under the style of "The Houston Gas Company," with capacity to make contracts, to have succession and a common seal, and to make by-laws for its government and in its corporate name to sue and be sued, to grant and receive, and generally to do and perform such acts and things as may be necessary and proper or incident to the fulfillment of its objects, or maintenance of its rights under this act, and consistent with the provisions of the State constitution.

Sec. 2. That the said Company be and is hereby established with the right of erecting, owning and maintaining works for generating gas, within the corporate limits of the city of Houston, and laying down in the streets, lanes and alleys and other public grounds within the city of Houston and the suburbs thereof, pipes for the conveyance of gas in and through said city and its suburbs.

Sec. 3. That the capital stock of said Company shall be divided into shares of one hundred dollars each, and the holders of such shares, shall constitute said Company, and each member shall be entitled to one vote, in person or by proxy, for each and every share he may own, and such shares of stock shall be transferable alone upon the books of the Company.

Sec. 4. That the affairs and business of said Company shall be conducted and managed by a Board of Directors, not less than three nor more than five, who shall be elected by the Company at such time as the stockholders may appoint, and annually thereafter: provided, that in case of failure to elect at the stated time, the Board of Directors incumbent shall continue in office until there be an election, the time for which may be fixed by said Board, whereof reasonable notice shall be given.

Sec. 5. That no person shall be eligible as a Director, unless he be an owner of ten shares of the capital stock. The said Board shall elect a President from their number, fill vacancies and appoint such officers as they may deem necessary, and require securities for the faithful performance of their duties; also, prescribe the time for the payment of installments or assessments upon the stock and the amount of such installments or assessments, to declare the forfeiture of such stock for non-payment, and to do or cause to be done, all other lawful acts or things, which they may deem necessary or proper in conducting the business of said company. A majority of said Board of Directors shall constitute a quorum for doing business. All instruments in writing executed by the President and Secretary under the seal of the Company, with the consent of the Board of Directors shall be valid and binding.

Sec. 6. That the Board shall have power to elect an agent who shall be a member of said Company, and whose name shall be made known to the public, and by whom the business of the corporation may be conducted under the powers given him.

Sec. 7. That this act take effect from and after its passage.

Approved February 11th, 1860.

CHAPTER 184.

An Act to incorporate the Planters Danalogian Society of the county of Gonzales.

Section 1. Be it enacted by the Legislature of the State of Texas, That E. M. Fly, President, John A. Williams, Vice President, J. D. Fly, Corresponding Secretary, R. Gelhoun, Recording Secretary, J. E. Hubert, Treasurer, G. W. Hubert, Librarian, H. B. Littlefield and G. W. L. Fly, Censors, and their successors in office be, and they are hereby declared a body corporate, under the name and style of the Planters Danalogian Society of the county of Gonzales, and by that name may at all times hereafter be capable to have, receive, and retain property, real, personal and mixed, and the same at their pleasure to dispose of: provided, the same shall not exceed in value at any time, the sum of thirty thousand dollars.

Sec. 2. That said corporation, by the name and style aforesaid, is hereby empowered to sue and be sued, plead and be

impleaded, answer and be answered unto in any court, or before any Judge or officer whatever, in all actions, matters, or demands of any character whatsoever.

Sec. 3. That the said corporation may have a common seal and the same alter and change at their pleasure, and shall in general have and exercise all rights, privileges and immunities, by law incident or necessary to corporations of the like kind, twenty years and no longer.

Sec. 4. That said society shall have full power to fix the terms of all its officers, and provide by their by-laws for the manner of electing them, and to pass all such by-laws and regulations for their government as shall not in any way conflict with the constitution and laws of the State.

Sec. 5. That this act shall take effect and be in force from and after its passage.

Approved 11th February, 1860.

CHAPTER 185.

An Act to incorporate the Mystic Club at Woodville, Tyler county.

Section 1. Be it enacted by the Legislature of the State of Texas, That the officers and members of the Mystic Club at Woodville, Tyler county, be, and they are hereby constituted a body corporate and politic, for the cultivation of the moral, social and intellectual virtues, under the name and style of "The Mystic Club," and by that name may purchase, receive, enjoy, sell and otherwise dispose of any real and personal property, the amount of property so held, not to exceed at any time in value, twenty-five thousand dollars, and by said name may sue and be sued, defend and be defended in any court of law or equity within this State, and may have a common seal with any device upon the same the Mystic Club may determine, to be altered or changed at their will, and may enact such rules and regulations as may be proper for conducting the affairs of said intitution.

Sec. 2. That the said Mystic Club be, and the same is hereby authorized and empowered to create by charter or dispensation other Mystic Clubs within the State for like objects and purposes, and such other Mystic Clubs when so created, shall be subordinate to, and under the general government and control of

the Mystic Club, and the Mystic Club may enact all such constitutions, regulations and rules as they may deem proper for the government of such subordinate Mystic Clubs.

Sec. 3. That this charter shall continue so long as the Mystic Club shall confine itself to the cultivation of the moral, social and intellectual virtues, and so long as it shall conform to the terms of this charter and not longer: provided, that this charter shall not continue longer than twenty years.

Sec. 4. That this act shall take effect from and after its passage.
Approved February 11th, 1860.

CHAPTER 186.

An Act for the relief of Lucretia Franklin.

Section 1. Be it enacted by the Legislature of the State of Texas, That the unconditional headright certificate of six hundred and forty acres of land issued to Lucretia Franklin, by the Board of Land Commissioners of Cass County, having date of February 18th, 1852, be, and the same is hereby made valid, and the Commissioner of the General Land Office be, and he is hereby authorized and required to patent the same as though said certificate had issued in strict accordance with law, or had been recommended by the Commissioner of the Court of Claims.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved 11th February, 1860.

CHAPTER 187.

An Act for the relief of the heirs of Joseph C. Gentry, deceased.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to the heirs of Joseph C. Gentry, deceased, a certificate for six hundred and forty

acres of land to be surveyed and patented on any of the vacant public domain as other headright certificates.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved 11th February, 1860.

CHAPTER 188.

An Act for the relief of the heirs of Mrs. Ellen M. Gibbs.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to the heirs of Mrs. Ellen M. Gibbs, deceased, and late of Galveston county, a certificate for six hundred and forty acres of land, which may be located and patented as other headright certificates: provided, that no certificate has heretofore issued to Mrs. Ellen M. Gibbs of Galveston county or to her heirs, and provided, further, that this act take effect and be in force from and after its passage.

Approved 11th February, 1860.

CHAPTER 189.

An Act to incorporate the Corpus Christi and Brazos St. Iago Canal Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That P. A. Lockett, Sam Fullerton, Charles Worthington, Wm. O. Dorherty and Thomas W. Dwyer, their associates and successors be, and are hereby constituted and declared to be a body politic and corporate, under the name and style of "The Corpus Christi and Brazos St. Iago Canal Company," and under that name shall be capable to contract, to buy and receive all kind of property movable and unmovable that may be necessary for such corporation, to construct a canal from some point on Corpus Christi bay to a point on Brazos St. Iago harbor between Padre Island and the main land, and to do and perform all such

things as may be proper to carry on the business of said Company, and to negotiate, grant, sell and dispose of any such property, borrow money on the faith of this charter, and also, to pledge such property, real and personal for the payment of the same, to sue and be sued and have a common seal, to bind themselves with or without a seal, to establish such ordinances, rules and regulations as they may think necessary and proper for the use and protection of said Company, not contrary to the constitution and laws of Texas.

Sec. 2. That the capital stock of said Company shall be one hundred thousand dollars, with the privilege of increasing to three hundred thousand dollars, to be divided into shares of one hundred dollars each, and the holder of such shares shall constitute the Company, and each member shall be entitled to one vote in person or by proxy for each and every share he may own; and such shares of stock shall be transferable alone upon the books of said Company.

Sec. 3. That for the management of said Company there shall not be less than five nor more than seven Directors, who shall have power to adopt by-laws and to prescribe the manner in which the business of the Company shall be conducted, who shall be elected by the Company at such time as the stockholders may appoint, and annually thereafter: provided, that in case of failure to elect at the stated time, the Board of Directors incumbent shall continue in office until there be an election, the time of which may be fixed by said Board, whereof reasonable notice shall be given, and the Directors so elected shall elect a President from their own body.

Sec. 4. That no one shall be eligible for the office of Director who is not a bona fide owner of five shares of the capital stock of said Company, and shall have held the same at least one month previous to the election.

Sec. 5. That said Company shall have the power to appropriate such lands on the immediate route of said canal and within one hundred feet on each side of it, as may be necessary for the constructing of said canal, upon compensating the owner or claimant of such lands for the same at cash valuation, and for any further amount of damage which such owners or claimants may sustain in consequence of said canal, and in case of disagreement between the said Company and the claimants or owners of any land so appropriated, it shall be the duty of the owner or claimant of said land to apply to the Chief Justice where the land is situated, for the appointment of three freeholders, and the said Chief Justice shall thereupon appoint a

time and place, to hear the applicant and the Company, to whom shall be given reasonable notice by the court of the time and place, and the said freeholders shall after being sworn, and hearing the parties, determine the compensation and make return of the award to such court at its next regular term, and said award may be confirmed or on any reasonable ground rejected by said court, and if confirmed by the court, judgment shall be rendered thereon as in other cases; in determining the amount of compensation to be paid as aforesaid, said freeholders shall be governed by the actual value of the land at the time it was taken, and whatever benefit or injury may result to the adjoining lands of persons from whom the land has been taken by the establishing of said canal. If in any case the amount found by the arbitrators, shall not exceed the amount proved to have been offered by said Company to the owner, prior to the application to the court, the owner shall pay the cost of proceedings, otherwise, the Company shall pay the same.

Sec. 6. That the said Company shall have power to levy, receive and collect such tolls upon all steamboats or other crafts, and upon all freights carried through said canal, or may be determined upon by said Company, not to exceed, however, three cents per ton for each and every mile for said craft or vessel, and one-half of one cent for one hundred pounds for each and every mile on all freights carried through said canal and that all charges or tolls shall be made upon terms of equality to all persons who may wish to navigate said canal.

Sec. 7. That the said Company shall be, and they are hereby authorized to receive any donations of lots, lands, or personal property which may be made to them to aid or assist them in carrying into effect the objects of this charter, and to sell or dispose of the same as their interests may require.

Sec. 8. That the said Navigation Company shall be authorized to go into operation as soon as five thousand dollars of the capital stock shall have been actually paid in.

Sec. 9. That the corporation is hereby invested with all the rights and power necessary to the accomplishment of the objects for which they are incorporated, and the Board of Directors shall have the power to prescribe the terms of payment of all subscriptions for stock: provided, that no subscription shall be valid unless five per cent. upon each share subscribed for, shall be paid at the time of subscribing for the same.

Sec. 10. That unless said Canal Company shall commence operating within two years and shall complete a navigable canal from the waters of Corpus Christi bay to the waters of Brazos St.

Iago harbor, within eight years from and after the passage of this act, this act and the powers hereby granted, shall cease.

Sec. 11. This act to remain in force for ninety-nine years and to take effect from and after its passage.

Approved February 11, 1860.

CHAPTER 190.

An Act supplementary to, and amendatory of an act entitled "an act to incorporate the city of Corpus Christi," approved February 16th, 1852.

Section 1. Be it enacted by the Legislature of the State of Texas, That the 5th section of the above recited act be amended so as to read as follows: Section 5. That for the proper government of said corporation and its affairs, the maintenance of its peace, order, security, good health, police, cleanliness, trade, commerce, manufactures, the education of its youth, and its general prosperity, the Mayor and Board of Aldermen shall have power to enact and enforce such ordinances, regulations, rules and by-laws as they may deem necessary, not repugnant to the constitution or general laws of this State: Provided, that the penalty prescribed for a violation of any such ordinance or regulation, rule or by-law, in no one case, shall exceed the sum of one hundred dollars, recoverable with costs before the Mayor of the city, in the name and for the use of the city.

Sec. 2. That for municipal purposes the said Mayor and Board of Aldermen shall have power by ordinance to levy and collect a regular tax, not exceeding one-half of one per centum per annum, on all property within the limits of the corporation, subject to taxation by the State; also, a poll tax of one dollar each on all free white male inhabitants, over the age of twenty-one years, and residents of said city. That for any special purpose, such as the building of a City Hall and jail, a school-house, wharf, the aiding in the improvement of the ship channel or harbor, or in the construction of a railroad to or from said city, the said Mayor and Board of Aldermen shall have power to create a loan, and to issue and negotiate city bonds, and for the payment of such loan and bonds, to levy a special tax over and above the regular one hereinbefore fixed: Provided, that the object for which said loan is to be effected shall be made public,

and the proposition distinctly submitted to the legal voters of the city, and sustained by a vote of two-thirds of the votes polled to that effect: Provided, such special tax shall at no time exceed the rate of one-half of one per centum per annum.

Sec. 3. That no improvement or work shall be ordered or undertaken by the Mayor and Board of Aldermen except by express ordinance, the provisions of which shall be specific and definite, shall set forth the object, make the necessary appropriation, and provide means of payment. Upon any such ordinance, or upon any question involving the expenditure of money, any loan, or the increasing or diminishing the revenue of the city, the vote shall be taken by yeas and nays, and entered on the journal of the council, and a vote of two-thirds of all the Aldermen shall be requisite to give effect to the same.

Sec. 4. That if any appropriation be made, contrary to the spirit and intent of this act, or if by subsequent action of the Mayor and Board of Aldermen any appropriation be diverted from the objects expressed in the ordinance making the same, each member of the council voting for such misappropriation, and the Mayor approving the same, shall be liable to the city in his individual estate to the amount of such misappropriation.

Sec. 5. That the election for city officers shall be held on the first Monday of June of each year, and the term of each officer shall be one year from and after the first Monday of July succeeding such election, or until his successor has been duly elected and qualified. The fiscal year of the corporation shall commence on the first day of July of each year, and terminate on the thirtieth day of June of the succeeding year.

Sec. 6. That the said city shall have the power and privilege of opening all the streets running East and West on the Bay side of said city to the channel inside the reef in front thereof, and shall, also, have the power and right to construct, erect maintain and own wharves or piers at the end of such streets, as they may deem proper, and shall have power to fix the rates of wharfage and to collect the same on all goods, wares and merchandize landed upon said wharves or piers; and to bring suit to recover the same before any court having jurisdiction of the amount in controversy. That the said city shall have the power to fill up such portions of the flat covered by water, between ordinary low tide water mark, and the channel inside the reef in front of the city on the Bay side, as said corporation may deem necessary for public purposes, the State of Texas hereby relinquishing and releasing unto the corporation of the city of Corpus Christi, all the rights and privileges above men-

tioned: Provided, that the provisions of this section shall not be so construed as to effect in any manner any pre-existing right in any other party.

Sec. 7. That all laws and parts of laws contravening the provisions of this act shall be repealed, and that this act take effect and be in force from and after its passage.

Approved 11th February, 1860.

CHAPTER 191.

An Act to incorporate the Yegua Bridge and Turnpike Company.

Section 1. Be it enacted by the Legislature of the State of Texas. That James M. Beaird, and such persons as he may associate with himself, are hereby incorporated, under the name and style of the Yegua Bridge and Turnpike Company, and under such name shall sue and be sued, and have succession for the term of twenty-five years, or twenty-two years after the completion of said bridge, and a good and sufficient causeway through the low land on the Yegua, at the place on said stream known as the Crissman Crossing, on the road leading from Caldwell to Brenham. That they may have a corporate seal, and the right of holding property, real, personal or mixed for the purpose of carrying out the object of the incorporation, and they may transfer, alienate and dispose of their joint or individual interest therein at pleasure.

Sec. 2. That the said persons, their associates and successors, under the name and style aforesaid, shall be authorized to construct and maintain a bridge and causeway, at the place named in section first of this act, and that they may have power to elect a director or directors, by whom the business of the company may be conducted, and whose name or names shall be made known to the public, and that said company may enact such by-laws and rules for the management of its affairs as are not inconsistent with the constitution and laws of this State.

Sec. 3. That said bridge and causeway shall be completed within three years, from and after the passage of this act, otherwise this charter shall be null and void.

Sec. 4. That the County Court of Burleson county, shall fix the rates of toll to be charged by said Company: Provided,

that no resident citizen of said county shall be taxed for crossing on foot or with one horse.

Sec. 5. That said company be, and they are hereby required and bound to keep said bridge and causeway in good repair, and to keep in constant attendance at the toll-gate of the same, a sufficient number of persons to admit passengers and property to cross at any time, day or night.

Sec. 6. That the privileges granted by this act, shall cease and determine at the expiration of twenty-two years from and after the completion of the said bridge and causeway.

Sec. 7. That the County Court of Burleson county may, at any time after the completion of said bridge and causeway, at their option, purchase the same of said company by paying to the company the actual value of said bridge and causeway. If the County Court and the company cannot agree upon the price to be paid, the company shall select one citizen of said county, and the County Court another, as umpires, to fix and determine the price, and if they can not agree, they shall select a third person to act with them, and if the determination of the umpires thus chosen shall be final and conclusive between the parties. This act shall take effect and be in force from and after its passage.

Approved 11th February, 1860.

CHAPTER 192.

An Act to incorporate the Rock Ford Bridge Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That David Riley, John Nelson, William Hampton, George A. Wilson, Jordan O. Stranghan, Charles Wysong and Harrison Stiff, all of the county of Collin, and such other persons as they may associate with them, and their successors, be and they are hereby constituted and declared to be a body politic and corporate, under the name and style of the Rock Ford Bridge Company.

Sec. 2. That the said persons, their associates and successors, under the name and style aforesaid, may sue and be sued, plead and be impleaded, in all Courts whatever in this State, and may have a common seal, and may alter the same at pleasure.

Sec. 3. That the said persons, their associates and successors,

under the name and style aforesaid, shall be authorized to construct and maintain a bridge in the county of Collin, over the East Fork of the Trinity river at the Rock Ford (so called) on the William Davis survey, near the North line of the same, and to purchase and hold such property, real, personal and mixed, as may be necessary or useful for the construction and maintenance of said bridge, and to do all other acts, and perform all other work that may be necessary for the purposes aforesaid, not contrary to the constitution and laws of this State.

Sec. 4. Said corporation may enact such by-laws and rules for the management of its affairs as are not inconsistent with the constitution and laws of this State; and shall have power to elect a director or directors, by whom the business of the company may be conducted, and whose name or names shall be made known to the public.

Sec. 5. That said bridge shall be completed within two years from and after the passage of this act, otherwise this charter shall be null and void.

Sec. 6. That the said corporation shall be authorized to charge tolls not to exceed the following rates, to-wit: for a loaded road wagon with two yoke of oxen, fifty cents, and for each additional yoke, ten cents, if unloaded, one-half the above rates; for a common farm wagon with one yoke of oxen, twenty-five cents, and for each additional yoke ten cents; for a loaded wagon with four or more horses or mules, seventy-five cents, with two to three horses or mules, fifty cents, with one horse, twenty cents, if unloaded one-half of these rates; for carriage or other light traveling vehicle with a pair of horses or mules, forty cents, for each additional pair, twenty cents, and with one horse, twenty-five cents; for a stage coach with four horses, fifty cents, with two horses, thirty cents; for a horse and rider, ten cents, a foot passenger, five cents, loose horses, mules or cattle, five cents per head, and for hogs and sheep, two cents each, and for all other animals and things not herein enumerated, at proportional rates to those herein enumerated: Provided, that residents of Collin county shall not be taxed for crossing on foot or with a single horse or carriage, and, provided, that persons passing with large stock of any kind, shall not be compelled to cross such stock on the bridge.

Sec. 7. That said company be, and they are hereby required and bound to keep said bridge in good repair, and to keep in constant attendance at the toll-gate of the same, a sufficient number of persons to admit passengers and property to cross at any time, day or night.

Sec. 8. That the privileges granted by this act, shall cease and determine at the expiration of twenty years after the completion of said bridge; and that said company shall at all times keep and maintain a good road across the bottoms to the high land on each side of the river, and in case of failure to keep the bridge or road across the bottom in good repair, the County Court upon satisfactory proof, may issue an order to keep open the gates of said company, and no tolls shall be collected until the necessary repairs have been made.

Sec. 9. That the County Court of Collin county may, at any time, after the completion of said bridge, at their option, purchase the same of said company, by paying to said company, the actual value of said bridge and repairs upon the road at the time of such purchase. If the court and the company cannot agree upon the price to be paid for the purchase of said bridge, the said company shall select one citizen of the said county and the County Court another citizen, as umpires to fix and determine the price, and if they cannot agree, they shall select a third person to act with them, and the determination of the umpires thus chosen shall be final and conclusive between the parties, and this act shall take effect and be in force from and after its passage.

Approved 11th February, 1860.

CHAPTER 193.

An Act to incorporate the North Sulphur Bridge Company in Lamar county.

Section 1. Be it enacted by the Legislature of the State of Texas, That Robert B. Frances and his associates, all of the county of Lamar, and their associates and successors, be and are hereby constituted, and declared to be a body politic and corporate under the name and style of the North Sulphur Bridge Company.

Sec. 2. That the said persons, their associates and successors, under the name and style aforesaid, may sue and be sued, plead and be impleaded, defend and be defended in all courts, whatever, in this State, may have a common seal and may alter the same at pleasure.

Sec. 3. That the said R. B. Frances, and his associates and

successors, under the name and style aforesaid, shall be authorized to construct a bridge over the North Sulphur, at or near where the bridge known by the name of the Hembee Bridge was erected; and for the construction and maintenance of said bridge, the said company is hereby authorized to use any timber that may be upon any of the public domain in reasonable distance of said bridge.

Sec. 4. That said bridge must be completed within two years from and after the passage of this act, otherwise this charter shall be null and void. The privileges granted in this charter shall cease from and after twenty years from the date of the passage hereof.

Sec. 5. That it shall be the duty of the said R. B. Frances and his associates or successors, to open a road at least thirty feet wide, through the bottom or low grounds on the South side of said bridge to the high lands, and shall causeway all of the slues and marshy places in said bottom.

Sec. 6. That said R. B. Frances & Co., shall be authorized to charge tolls, provided, the rates shall never exceed these charges, to-wit: with a road wagon loaded, with four or six yokes of steers, seventy-five cents; the same to two or three yoke of steers, fifty cents, for each additional yoke of steers, ten cents; for an unloaded wagon from one to four yoke of oxen, twenty-five cents; with four horses or mules, fifty cents; unloaded wagon with mules or horses, twenty-five cents; a carriage with one or two horses or mules, twenty-five cents; for a horse and rider, ten cents; for loose horse or mule, five cents; for cattle and hogs, three cents per head, and for sheep, one cent per head.

Sec. 7. That the said R. B. Frances, his associates and successors, are hereby required and bound to keep said bridge and causeways through said bottom in good repair; and should any accident or damages occur to persons or property, in crossing the same, caused by the negligence of the said corporator, they shall be held responsible for the same.

Sec. 8. That if the County Court of Lamar shall desire to purchase the said bridge from the said company within twenty years, they may do so, by paying a fair price for the same, to be determined by two persons, one to be selected by the company, the other by the County Court, and that this act be in force from its passage.

Approved 11th February, 1860.

CHAPTER 194.

An Act to incorporate Wharton College in the city of Austin.

Section 1. Be it enacted by the Legislature of the State of Texas, That an institution of learning, to be known as Wharton College, be and the same is hereby established at the city of Austin in Travis county.

Sec. 2. That there shall be for the present, three Trustees to take charge of the interests of said College, a majority of whom shall constitute a quorum for the transaction of business.

Sec. 3. That the following named persons, Charles Gillette, X. B. DeBray and H. Wilkie are recognized as the Trustees of said College, with powers to increase their number at will, not to exceed nine.

Sec. 4. That the said trustees and their successors in office be, and they are hereby constituted a body politic and corporate in deed and in law, by the name of the President and Trustees of Wharton College, and by that name they and their successors may and shall have succession, and be able and capable in law to receive, have and enjoy to them and their successors, lands, tenements, hereditaments of any kind in fee or for life, or for years, and personal property of any kind whatsoever, and all sums of money which may be granted, given or bequeathed to them for the purpose of promoting the interest of said College.

Sec. 5. That there shall be a stated meeting of the Board of Trustees in each year, at the time of conferring degrees, and that the President of said Board of Trustees shall have full power to call an occasional meeting of the board, whenever it shall appear to them necessary, and a majority of said board shall have similar power.

Sec. 6. That the Trustees of said College may and shall have a common seal for the business of themselves and their successors, with liberty to alter and change the same from time to time as they shall think proper, and by their aforesaid name, they and their successors may and shall be able to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in all courts of law and equity in this State, and to grant, bargain, lease, sell or assign any lands, tenements, goods or chattles, now belonging to said College, or that may hereafter belong to the same, to construct all necessary buildings for said Institution, to establish a preparatory department or departments, for the study of any or all learned and literary professions, to establish fellowships and scholarships, to have the management of the finances, the privilege of electing their

own officers, of appointing all necessary committees, and to act and do all things whatsoever, for the benefit of said Institution, in as ample a manner any body politic or corporate may and can do by law.

Sec. 7. That the Trustees shall have power of prescribing the course of studies to be pursued by the students, and of framing and enacting all such ordinances and by-laws as shall appear to them necessary from time to time, for the government of said College, and for their own proceedings: Provided, always that the same be in accordance with the constitution and laws of the United States and of the State of Texas.

Sec. 8. The head of said College shall be styled the President and the Instructors thereof, the Professors and Tutors, and the President and Professors of the departments generally; the faculty of the respective departments of said College, which faculty, as above, shall have the power of enforcing the ordinances and by-laws adopted by the Trustees for the government of the students in their respective departments, by rewarding or censuring, and if necessary, suspending or expelling them.

Sec. 9. The Trustees shall have power by the President and Faculty of said College, to grant and confer such degree or degrees, in arts and sciences, and learned professions, to the students of said College, and to other persons worthy thereof, as are usually granted and conferred in other Colleges in the United States, and to give certificates thereof or diplomas signed by them, and sealed with the common seal of the Trustees of the College, to authenticate and perpetuate the memory of such graduations.

Sec. 10. That whenever a vacancy shall occur from any cause, in the Board of Trustees, the Board shall have power to fill it, and at any time hereafter, the Board may increase their number not to exceed nine.

Sec. 11. The President of the College shall be ex-officio President of the Board of Trustees.

Sec. 12. That the Trustees shall have the power of appointing the President of the Faculty, and the Professors and other officers connected with the College, and of fixing their salaries, and, also, of removing them for cause, a majority of the whole number concurring in said removal.

Sec. 13. That no misnomer of said College shall defeat or annul any gift, grant, device or bequest, to the same.

Sec. 14. That the seal of the corporation, with the attestations of the President, or in his absence, of the usual majority of the Trustees, shall be sufficient to authenticate any act of the corporation.

Sec. 15. That this act take effect and be in force from and after its passage, and continue in force for twenty years and no longer.

Approved 11th February, 1860.

CHAPTER 195.

An Act to amend an act to incorporate "Herman's University," approved January 27th, 1844.

Section 1. Be it enacted by the Legislature of the State of Texas, That an act to incorporate "Herman's University," approved January 27th, 1844, be amended so as to read as follows, to-wit:

An Act to incorporate the Herman Seminary.

Section 1. Be it enacted by the Legislature of the State of Texas, That H. Amther, E. Franke, D. Draub, Hermann Ernst, Jacob Rien, E. Miller, Emil H. Jordt, Dr. E. Becker, William Friels, Charles Jordt, Hermann Frels and Edward Rhumann be, and they are hereby constituted and declared to be, from and after the passage of this act, a body corporate and politic, by the name of the President and Trustees of Herman Seminary, and as such they, and such others as they may associate with them, and their successors, are authorized and empowered to hold property—real, personal and mixed—to sue and be sued, plead and be impleaded, in any of the courts of this State, and generally to do and perform any and every thing not repugnant to this act of incorporation, nor to the Constitution or Laws of this State.

Sec. 2. The officers of the corporation hereby created, shall consist of one President, one Secretary, one Treasurer, and a Board of Trustees, which Board shall never be more than twelve, nor less than seven in number — including the President, who shall be ex-officio, a member of the Board — and a majority of said Board shall form a quorum for the transaction of business. They shall have power to establish and fill professorships, to fix the location of the Seminary, to receive and pay out all the moneys due to and by the same, to fill vacancies in their own body, and in any of the offices of the institution, and to pass such by-laws, and make such rules and regulations for the government and control of the affairs of the Seminary, as are

not contrary to the provisions of this act, or to the Constitution and Laws of this State. They shall have a common seal, and may change and alter the same at pleasure, which seal, with the signature of the President, countersigned by the Secretary, shall be evidence of their acts.

Sec. 3. At the first meeting of the corporators named in the first section of this act, they shall elect a President, Secretary and Treasurer, who shall hold their offices for the term of four years thereafter, and until others are elected in their place: provided, that either of said officers may be, at any time, removed for good cause, by a vote of three-fourths of the Board of Trustees, at a regular meeting.

Sec. 4. That the subscribers to the fund of said Seminary who shall subscribe to the capital stock thereof the sum of fifteen dollars, and pay the same to the Treasurer, shall be considered stockholders in said Seminary; and upon the joint application, in writing, of any ten of them, the Trustees shall call a meeting of the subscribers—notice thereof shall be given in a public newspaper nearest to the Seminary, at the least for four successive weeks next previous to the time appointed therefor. They shall, at such meeting, lay before the meeting a full statement of all the property belonging to the Seminary, and also of its financial condition, stating particularly therein all amounts of money received or expended by the institution, from whom received, and for what expended.

Sec. 5. That after the expiration of five years from the passage of this act, the President and Trustees shall have the right to sell, mortgage, or otherwise hypothecate any amount, not more than one-tenth, in any one year, of the lands that may belong to said Seminary: provided, that before any such sale or hypothecation shall be made, the same shall be approved and ordered by a majority of the stockholders, at a meeting called in the manner provided in the preceding section.

Sec. 6. That the said President and Trustees shall establish the necessary preparatory school, and the Professors shall have the right to prescribe the course of studies to be pursued, which, however, may be rejected by an unanimous vote of the President and Trustees: and the said President and Trustees are hereby empowered to grant such degrees as are usually granted by similar institutions in the United States and Germany.

Sec. 7. That the corporators created by this act, their associates and successors, shall succeed and be entitled to all the property, real, personal and mixed, and to all the rights, privileges and immunities heretofore held and owned by the President,

Trustees and Stockholders of the Herman University, under the act of the Republic of Texas, approved January 27th, 1844: provided that all persons who have paid to the said Herman University the sum of fifteen dollars, shall be considered stockholders of the Herman Seminary created by this act.

Sec. 8. That no person shall be eligible to a Professorship in said Seminary who does not understand both the German and English languages—unless, by a unanimous vote of the Trustees, such qualifications shall not be required.

Sec. 9. That no religious test, or qualification of any kind, whatever, shall be a requisite in order to become a Trustee, Professor, Instructor or Student in said Seminary.

Sec. 10. That the location of said Seminary shall be at some place to be designated by the President and Trustees, near the line between Austin and Colorado counties, and between Mill Creek, in Austin county, and Cummings' Creek, in Colorado county.

Sec. 11. That the Herman Seminary, herein and hereby created, shall, by virtue of this act, succeed to all rights of property heretofore vested in the act to which this is an amendment.

Sec. 12. This act shall take effect from and after its passage, and continue in force for twenty years.

Approved 11th February, 1860.

CHAPTER 196.

An Act to incorporate Clifton Academy, in the County of Bosque.

Section 1. Be it enacted by the Legislature of the State of Texas, That Clifton Academy, in Bosque county, be incorporated, and that William R. Ledberry, C. C. Dewey, William B. Moore, L. H. Scrutchfield, John Locker, Samuel Barnes and J. Stinnett, all of Bosque county, and Joseph Haynes and J. Warren of Coryell county, and their successors, be, and they are hereby constituted a Board of Trustees for said Academy, and they and their successors made a body corporate, capable, in law, of suing and being sued. They shall have succession, and hold property to the value of twenty thousand dollars, and shall have a common seal, and do all things necessary to carry out the

design of said corporation, in the maintenance of a good school in Bosque county. The Board of Trustees shall be ten in number, and may elect their successors and fill vacancies in their Board under such regulations and by-laws as they may make for their government.

Sec. 2. That this act take effect and be in force from and after its passage, and continue in force for twenty years, and no longer.

Approved 11th February, 1860.

CHAPTER 197.

An Act to consolidate into one institution the Waco Female Seminary, and the Waco Female Academy, to be called "The Waco Female College," and incorporate the same.

Section 1. Be it enacted by the Legislature of the State of Texas, That an institution of learning to be styled "The Waco Female College" be, and is hereby incorporated and established at Waco Village, Texas.

Sec. 2. That said College shall be under the general direction, supervision and patronage of the Western Texas Conference of the Methodist Episcopal Church South; but no religious tests shall be required of the teachers or pupils of said College.

Sec. 3. That the present Trustees of the Waco Female Seminary and the Waco Female Academy are hereby declared to be the Trustees of the Waco Female College, and upon the organization, by them, under an acceptance of this act of incorporation, the acts of incorporation of said Waco Female Seminary and Waco Female College are declared revoked, and the Waco Female College shall succeed to all the rights and property, debts and demands belonging to them separately.

Sec. 4. That there may be any number of Trustees—not exceeding thirty—two-thirds of whom shall be citizens of McLennan county. The existing Board and their successors shall be the Board of Trustees, and all new Trustees shall be elected by the Board, and subject to the ratification of the Western Texas Conference of the Methodist Episcopal Church South; but may exercise the duties of the office until the election is disapproved of by said Conference.

Sec. 5. The Board of Directors shall have the power of determining their own number, the term of office, and mode and time of electing new Trustees; but their number shall not exceed thirty. It shall also have the power to construct, enlarge, alter or remove all necessary buildings, &c.

Sec. 6. The Board of Trustees shall elect the Presidents of said College, and all other Professors and Tutors shall be nominated by the President, and elected by the Board of Trustees: provided, no person shall be elected President or Teacher in said College, unless they have lived at least ten years in a slaveholding State or country, unless the vote be unanimous in the Board. The President, or any Teacher or Pupil may be removed by the Board.

Sec. 7. The Board may elect from amongst their number, under such rules and regulations as they may adopt, and for such term and time as they may see proper, a President, Secretary and Treasurer, or any other officer necessary in the Board.

Sec. 8. The Western Texas Conference of the Methodist Episcopal Church South, may appoint any number of agents and visitors for said College, and exercise a general superintendence and control over it, but said College shall not be removed from Waco Village, and all property shall be held for the use and benefit of said College.

Sec. 9. Said College is established for the purposes of female education, mental, moral and physical, and to this end the Board of Trustees are authorized, in addition to the usual appliances and apparatus, to establish a department with all the necessary conveniences for physical culture; and it shall be the duty of the President and Teachers to give their attention to the physical, as well as mental and moral training of their pupils.

Sec. 10. The Board of Trustees under the name and style of The Waco Female College may sue and be sued, plead and be impleaded, buy, hold and sell property, real, personal and mixed, may have a common seal for the transaction of business, and do all things incident to the fulfillment of its obligations, or the maintenance of its rights, and all things necessary to the proper conduct and management of an institution for female education, not contrary to law or inconsistent with this charter.

Sec. 11. The Board of Trustees, upon the recommendation of the President of the College, may confer the usual degrees upon the pupils, and also the honorary degrees upon those not pupils, and may give diplomas for the same.

Sec. 12. That this act shall take effect and be in force from and after its passage, and continue in force for twenty years.

Approved 11th February, 1860.

CHAPTER 198.

An Act to revise an act entitled an act to incorporate the La Grange Collegiate Institute, approved February 14th, 1852, and to change the name of said Institute to that of "Ewing College."

Section 1. Be it enacted by the Legislature of the State of Texas, That the above recited act be so revised and amended as hereafter to read as follows, to-wit: That Benjamin Shropshire, Fred Tate, J. B. McFarland, G. W. Sinks, A. R. Renick, R. H. Lewis, James M. Evis, D. C. Gregory and Henry Renick and their successors in office be, and they are hereby constituted a Board of Trustees of an institution of learning, established at the town of La Grange, in the county of Fayette, under the supervision and control of the Colorado Synod of the Cumberland Presbyterian Church, which said institution is hereby incorporated by the name of "Ewing College," by which name it may sue and be sued, plead and be impleaded, and buy and sell property, real, personal and mixed, and hold the same. Said College may have a common seal for the transaction of its business, which seal it shall have the power to make and alter it pleasure.

Sec. 2. A majority of Trustees shall constitute a quorum to transact all ordinary business for the corporation. They shall have power to make such by-laws as they may think necessary for the government of the College and its finances—elect their own officers, appoint their own committees, examine into any branch or department of said College, and to appoint or dismiss the President, Professors and Tutors of said College: provided, it shall require the concurrence of two-thirds of all the Trustees to elect or remove the President, or any one of the Professors.

Sec. 3. The Board of Trustees shall hold their offices until their successors are elected, and said Board shall be filled by the Colorado Synod of the Cumberland Presbyterian Church, at its meeting in the year one thousand eight hundred and sixty, and every two years thereafter: provided, that said Trustees shall be eligible to re-election, and provided further, that the Board of Trustees shall have the power to fill vacancies temporarily—but vacancies shall only be filled permanently by said Synod.

Sec. 4. The Trustees shall have the power to confer the usual degrees upon men distinguished in science and literature, and also upon the recommendation of the faculty, to confer the usual degrees upon deserving students, and to grant diplomas for the same: provided, that said diplomas shall be first signed by a majority of the faculty of said College.

Sec. 5. The Trustees shall have the power to fix the salaries of all officers connected with said College: provided, it shall require the concurrence of a majority of all the Trustees to fix or alter the salary of any officer.

Sec. 6. The President of the College shall be ex-officio President of the Board of Trustees, and shall have power to convene therein whenever he may see proper, but shall have no vote in said Board except in case of a tie; and no other member of the Board of Trustees shall hold any office in said College.

Sec. 7. The Board of Trustees shall have the power to establish a Preparatory Department as well as a College proper, and also Professorships, Scholarships and Fellowships in said College: provided, that the beneficiaries be subject to the same rules and by-laws of other students.

Sec. 8. No religious test shall be required of any President, Professor, Tutor or Scholar, nor shall any one be punished on account of his opinions, religious or political: provided that nothing herein contained shall prevent the infliction of suitable punishment for immoral conduct.

Sec. 9. Should the Board of Trustees hereafter see proper to establish a Theological Department in said College, the Professors thereof shall be elected or removed only by the Colorado Synod of the Cumberland Presbyterian Church, and said Professors shall not be subject to the first clause of the eighth section of this act.

Sec. 10. All donations and bequests to said College shall be good and binding, although the corporate name of said College may not have been properly stated by the person making such donation or bequest.

Sec. 11. The seal of the corporation, with the attestation of the Secretary, and the signature of the President, or, in his absence, a majority of the Trustees, shall be sufficient to authenticate any act of the corporation.

Sec. 12. In all suits against said College, process shall be served on the President, or, in case of vacancy in said office, on the Secretary of the Board of Trustees.

Sec. 13. A majority of the Trustees shall have the right to call a meeting of the Board of Trustees whenever they may think proper.

Sec. 14. The Board of Trustees shall annually report to said Synod the condition of said College, and of its finances.

Sec. 15. The change of the name of said corporation shall not work a forfeiture of any right, but the rights and obligations thereof shall remain the same as though such change had not taken place.

Sec. 16. This act shall be in force from its passage, and continue in force for twenty years.

Approved 11th February, 1860.

CHAPTER 199.

An Act to incorporate the Casino Association of La Grange.

Section 1. Be it enacted by the Legislature of the State of Texas, That A. Klienert, Charles Streithoff, J. C. Stiehl, William Hernes, H. Rohde and C. Fink of La Grange, county of Fayette, together with their associates and successors be, and they are hereby constituted a body politic and corporate for social purposes and for the encouragement of literary pursuits, under the name and style of "The La Grange Casino," and by that name shall be capable of suing and being sued, of defending and being defended in any of the courts of this State, to acquire and hold estate real, personal and mixed, to encumber, sell or otherwise alienate the same, as said association may deem expedient: provided, the amount of property held by said corporation shall at no time exceed twenty-five thousand dollars.

Sec. 2. That said corporation shall elect a President, Secretary and Treasurer and such other officers as its by-laws may provide.

Sec. 3. That said corporation shall have power to enact such rules and regulations for its government and do not conflict with the constitution and laws of this State, and may also adopt a common seal.

Sec. 4. The said corporation shall have power to establish, manage and carry on in said town of La Grange, a free school, and to aid it in doing so may give public exhibitions of plays &c., at the Casino building, and this charter shall continue twenty-five years.

Sec. 2. That this act take effect from and after its passage.

Approved 11th February, 1860.

CHAPTER 200.

An Act to incorporate the Texas Mutual Insurance Company at Boston.

Section 1. Be it enacted by the Legislature of the State of Texas, John W. Leigh, William J. Wise, James C. Moore, John R. Rochelle and Robert J. Battle, their associates, successors and assigns be, and they are hereby declared to be a body politic and corporate, under the name and style of "The Texas Mutual Insurance Company at Boston," and by that name may sue and be sued, have a common seal, make by-laws, purchase, hold, improve and convey property, real, personal and mixed for the use and purposes of said corporation, and it shall be lawful for the corporation after the expiration of the charter, to use the corporate name, stile and capacity for the purpose of the final settlement of the affairs of said corporation and for the sale and disposition of its property, but for no other purpose: provided, that the real estate of said corporation shall not exceed in value at any one time, twenty-five thousand dollars.

Sec. 2. That the capital stock of said corporation shall be one hundred thousand dollars divided into shares of one hundred dollars each, the same to be paid in such manner and amounts and at such times, as shall be determined by the President and Directors at a regular meeting thereof, and if any stockholder shall after due notice and demand, neglect or refuse to pay any call or installment so required to be paid, he or she shall cease to be a member of said incorporation, and the share or shares of said stockholder shall be forfeited to said incorporation, but such forfeiture shall not release the holder thereof, nor his securities on the notes contemplated to be given in the eighth section of this act, from his or her liability on said notes to any person or persons having a just claim against the incorporation.

Sec. 3. That the persons named in the first section of this act shall be authorized to open books for subscriptions, and when the amount of stock required in the previous section of this act, shall have been taken, and secured as hereinafter provided for, said persons shall call a meeting of said stockholders at the town of Boston in Bowie county, giving personal notice thereof to said stockholders, or by publication in the Standard, published at Clarksville in the county of Red River, at least one month before said meeting.

Sec. 4. That the stockholders may be represented in said meeting and all others thereafter to be held, in person, or by proxy, appointed by power of attorney duly authenticated; that

at all meetings of said stockholders, the owners or representatives of stock, shall be entitled to one vote for each share owned or represented; that at said first meeting, said stockholders shall elect a President and a Directory, the number of which shall not be less than three nor more than nine, as may be then determined: that they shall have power to elect such officers as they may deem necessary and proper, and prescribe their duties; that a majority in amount of the stockholders, shall be necessary for an election of the President and Directory, and a majority of the Directory shall be a quorum to do business; that upon failure of the stockholders to elect any officer to fill an office established by them, or in case of vacancy by death or resignation, the President shall have the power to appoint, and the appointee may hold his office until the next regular meeting of the stockholders, all officers of said incorporation shall be entitled to such compensation as may be prescribed by the Directory.

Sec. 5. That it shall be lawful for the said corporation to employ the funds thereof in establishing and sustaining the business of marine and fire insurance, to insure against loss or damage by sea or fire, in whole or in part, or from any other risks as said Company may determine, any money, produce, merchandize, buildings, freights, steamboats, and other vessels and crafts, and to charge, collect and receive for the same, such premiums of insurance as the President and Directory of said Company shall establish: provided, that said premiums shall not be at a rate higher than that charged in the city of New Orleans for like risks.

Sec. 6. That the shares of the stockholders of said incorporation shall be assignable and transferrable upon the books of said Company, under such rules and regulations as may be prescribed by order of the Board of Directors.

Sec. 7. That the said corporation by order of the Directory, shall annually or semi-annually divide between the stockholders thereof any amount of money on hand, which is not needed for the business thereof, or in discharge of the obligations of said corporation, or the same be loaned: provided, that the capital stock of said Company shall not be lessened or impaired.

Sec. 8. That at the time of subscriptions for stock by any one, the person subscribing shall deliver to the person receiving such subscriptions, his note secured with two good personal sureties, or mortgage on real estate for the amount of stock so taken and subscribed, the sufficiency of which to be adjudged by one

of the persons above named, who are alone permitted to receive subscriptions.

Sec. 9. That in case the corporation created by this act, shall fail, refuse or be unable to pay any judgment which may be recovered against the same, the person or persons interested in said judgment shall have a right of action against any or all of the stockholders thereof, and their securities on the notes required to be given by the previous section of this act, to recover the amount of such judgment or judgments: provided, the same does not exceed the balance due on said notes.

Sec. 10. That so soon as said Company shall have organized they shall report to the County Court of said county, the number and names of the stockholders and the amount of stock taken by each, and how secured, and shall also satisfy by proper testimony, that ten per cent. upon the amount has been paid into the treasury of said Company, and if said Court shall be satisfied that said report is true, and that the stock is properly secured as above contemplated, they shall give to the President a certificate of the fact, which shall be authority for said incorporation to commence business; that said Company shall have power at any time to increase the capital stock thereof to two hundred thousand dollars, said increase to be secured and reported as above; that a report of the condition and business of said Company shall be made annually to the County Court of said county, subscribed and sworn to by the President and Secretary thereof, and recorded in said Court.

Sec. 11. That the domicile of said Company shall be in the town of Boston in the county of Bowie, but may be changed if desired, by two-thirds of the stockholders at any regular meeting.

Sec. 12. That the charter hereby granted shall continue and be in force for twenty years from and after the passage of this act.

Approved 11th February, 1860.

CHAPTER 201.

An Act amendatory of and supplementary to an act to incorporate
The Galveston Wharf and Cotton Press Company.

Section 1. Be it enacted by the Legislature of the State of

Texas, That the Galveston Wharf and Cotton Press Company, may change its name to that of the "Galveston Wharf Company," and under it may transfer their rights by succession and assignment, and shall be persons in law capable of suing and being sued, plead and being impleaded in all courts and places whatsoever, and also, they and their successors by the same name and style, shall be in law capable of holding and of conveying any estate, real, personal or mixed, and doing and performing all things which are necessary for the business of said Company, and not contrary to the constitution of this State, and generally do and perform all such acts and things as they could legally do under their present name; and all acts heretofore done in said name, shall be as binding upon said Company, and in favor of said Company upon third parties in said new name, as they were under the first name; and said change of name shall in no way forfeit or change any rights or liabilities now existing between said Company and third parties.

Sec. 2. That section third of the act to incorporate the Galveston Wharf and Cotton Press Company, approved February 4th, 1854, be, and the same is hereby amended so as to read as follows: The management of the affairs of said Company shall be conducted by a Board of nine Directors, each of whom shall own at least ten shares of the capital stock of said Company, and five of said Directors shall constitute a quorum to do and perform all the business necessary to the successful operation of said Company; a majority of said Directors shall appoint a President and Vice President from their own number and fill such vacancies as may from time to time take place from death, resignation or otherwise. The election of Directors shall take place in the city of Galveston at such time as a majority of stockholders present at the first meeting after the passage of this act may designate, and on the first Monday in the month of January of each and every year thereafter, five days' notice of such election being first given by publication in some newspaper published in the city of Galveston, and in case of failure to elect said Directors, the corporation shall not be dissolved for that cause, but the President, Vice President and Directors for the time being shall continue in office until there be an election: provided, also, that it shall be the duty of said Directors, to call a meeting of the stockholders at an early day to elect the Directory so omitted to be done at the regular period.

Sec. 3. That said Company shall have power to borrow money on their bonds or notes at such rates as the Directors may deem expedient.

Sec. 4. That this act take effect and be in force from and after its passage.

Approved Feb. 11, 1860.

CHAPTER 202.

An Act to incorporate the Trustees of the Baptist State Convention.

Section 1. Be it enacted by the Legislature of the State of Texas, That Hosea Garrett, J. W. Speights, Horace Clarke, Wm. A. Montgomery and A. G. Haynes and their successors be, and they are hereby declared to be a body corporate and politic, under the name and style of the Trustees of the Baptist State Convention of the State of Texas, and that by said name and style they shall have succession for twenty years, may sue and be sued, plead and be impleaded, have and hold personal and real estate, under the restrictions and for the uses, purposes and objects hereinafter expressed.

Sec. 2. That said Board of Trustees, as aforesaid, shall hold in trust for the use and benefit of the said Baptist State Convention, and for the furtherance of all or any of the objects which the said Convention has been established to promote or secure, all monies, specialities and property of any description whatever which the said Convention may name, be, or may hereafter become entitled to; that the said Board may hold by gift, bequest, or otherwise, in trust as aforesaid, real estate to any amount not exceeding in value fifty thousand dollars: provided, however that in estimating the worth of real estate thus held, the estimate shall be made according to its value at the time such real estate may have accrued to said Board; that said Board be, and they are hereby authorized and empowered to demand, take and receive in trust as aforesaid, the bequest of Elizabeth Vichers to said Baptist State Convention, and all other gifts or bequests of whatsoever name or nature, that have already or may hereafter accrue to said Convention and to hold the same for the uses and purposes aforesaid.

Sec. 3. That the Treasurer of said Baptist State Convention shall be ex-officio Treasurer of the said Board, and that all other officers, and all other rules and regulations necessary to the efficient organization or operations of said Board, shall be

elected, or established as the case may be, by the said Board.

Sec. 4. That each annual meeting of the said Baptist State Convention, the said Convention shall, in the same manner that it elects its constitutional officers, select five individuals who shall constitute the said Board of Trustees, as aforesaid, and who shall immediately succeed to all powers, duties, and responsibilities of their predecessors; and the members of said Board hereinbefore named and such as shall hereafter be selected shall continue to discharge their duties as aforesaid until their successors shall be duly elected.

Sec. 5. That this act shall take effect and be in force from and after its passage.

Approved Feb. 11, 1860.

CHAPTER 203.

An Act to incorporate the Alamo Fire Association.

Section 1. Be it enacted by the Legislature of the State of Texas, That Peter Gallagher, W. A. Menger, Stephen Donhamer, and Daniel L. McGary of the city of San Antonio, and county of Bexar, and their associates and successors be, and are hereby created a body corporate and politic, under the name and style of "The Alamo Fire Association," and by that name shall have succession, may sue and be sued, pleaded and be impleaded, have a corporate seal, hold property, real, personal and mixed, to the value of ten thousand dollars, make contracts and all rules and by-laws not inconsistent with this act that may be deemed proper for the government of said association, and have and exercise all such other rights and privileges usually incident to corporations of that character.

Sec. 2. That the members of said association shall not at any time exceed one hundred in number, and that the Chief Assistant, Chief Secretary and Treasurer, shall be trustees of said association.

Sec. 3. That the members of said association shall be exempt from liability to serve on juries in Justices' courts.

Sec. 4. That this act shall take effect and be in force from the date of its passage and for twenty years thereafter.

Approved 11th Feb., 1860.

CHAPTER 204.

An Act to authorize the County Court of the county of Nueces to levy a special tax.

Section 1. Be it enacted by the Legislature of the State of Texas, That the County Court of the county of Nueces shall have power to levy a special tax upon all persons and property, and upon all the subjects of taxation, on which a tax may be levied in said county by the State under any existing law, which special tax shall be assessed and collected by the assessor and collector of the State, and by him shall be paid into the treasury of the county, and shall be appropriated and applied only to the purposes hereinafter mentioned.

Sec. 2. That said special tax shall not be levied at a greater annual rate than one-half of one per cent. upon persons and property, and double the tax levied by the State upon all other subjects of taxation; and, the authority of the County Court to levy any such special tax shall cease whenever the several purposes hereinafter specified have been attained, and sufficient revenue has been raised therefrom to defray the expenses resulting from the pursuit and attainment thereof, as also, those incurred in assessing, collecting and disbursing the same.

Sec. 3. That the special tax levied and collected under the provisions of this act, shall be appropriated to the sole purposes of enabling the county of Nueces, at the discretion of the County Court thereof, to acquire a suitable building-site for a jail and appurtenances; to erect and furnish a secure jail with room for jailor and guards, and so constructed, that an upper story is suited for storing and safe-keeping of State arms and for an armory for a volunteer military company; to pay and extinguish all out-standing liabilities, bonds, warrants or scrip, in principal and interest, due by the county, to aid in the construction of such portions of any railroad chartered by the State, as are within the boundaries of the county of Nueces, and which are designed to run to, from or through the city of Corpus Christi; to aid in the improvement and completion of the ship channel across the mud-flats, connecting Aransas with Corpus Christi bay, and to aid in the construction and making of a ship channel through Turtle Cove, and by or through the northern extremity of Mustang Island, connecting said Corpus Christi bay with deep water inside of the Aransas pass or bar, and with a depth of water throughout the extent of such channel of at least ten feet at low tide.

Sec. 4. That for the purposes aforesaid, or any one of them

the County Court of Nueces county, at its discretion, is hereby authorized to issue its bonds, for such amounts payable within such time and at such place and with such interest, not exceeding twelve per centum per annum, as said Court may deem requisite and proper: conditioned, however, that the order of said Court, under which the issuance of any bond or set of bonds is decreed, shall specify the purpose and consideration for which, and the conditions and terms upon which the same are to be issued, and shall provide for the annual levy and collection of a tax sufficient to pay any installment or interest as it may become due thereon, and to extinguish all liability on account of the principal at maturity; and, provided, always, that the time of maturity upon all bonds shall be fixed at so distant a period, that the special tax to be collected annually between the date of its issuance and that of maturity, in the aggregate may reasonably be expected to realize the amount required to pay and discharge such bond according to its terms, in principal and interest; and, provided, further, that no greater amount of installment or interest shall be made payable annually, than can be reasonably realized from the special tax of such year.

Sec. 5. That the County Court having executed its bonds under the provisions of this act, it shall be the duty of such Court, to provide annually for the levy and collection of a special tax to pay the same, and in case of any failure so to do, the tax which by this act the County Court is authorized to levy, shall be deemed to be levied, and is hereby levied at the highest rate; and to the extent which under the provisions of this act, the same could be levied, and the same shall be assessed and collected by the assessor and collector as in other cases.

Sec. 6. That this act take effect from and after its passage.

Approved Feb. 11, 1860.

CHAPTER 205.

An Act to authorize the County Surveyor of Grayson county to transcribe certain books of record in his office.

Section 1. Be it enacted by the Legislature of the State of Texas, That the County Surveyor of Grayson county be, and he is hereby authorized to transcribe the record books "A" and

"B," and the pre-emption book "O," in his office, in other well-bound books; and when so transcribed, the County Court shall compare the same with the originals, and attach at the end thereof a certificate that the original have been correctly copied, after which such copied books shall have the same force and effect in law, as if they were the original entries.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved 11th February, 1860.

CHAPTER 206.

An Act to authorize the County Court of Fayette county to levy a special tax.

Section 1. Be it enacted by the Legislature of the State of Texas, That the County Court of Fayette county shall have the power to levy a special tax upon property in said county, subject to taxation by the State, and upon all taverns, groceries, bar-rooms, tippling houses, nine and ten pin alleys, and billiard tables in said county, which tax shall be assessed and collected by the Assessor and Collector of taxes of said county, in the same manner as other taxes are assessed and collected: and said tax shall be by him paid into the Treasury of the county, and shall be applied only to the purpose and in the manner hereinafter mentioned. In case any tax shall be levied by said County Court under the provisions of this act, the Assessor and Collector of said county shall give a special bond in the sum of twelve thousand dollars, with sufficient security to be approved by said County Court, as other bonds are payable to the Chief Justice of said county, and conditioned that such Assessor and Collector will faithfully assess, collect and pay over all the taxes that may be levied under the provisions of this act.

Sec. 2. The said tax shall be levied for not exceeding four years, and shall not be greater than one-fourth of one per cent. annually, upon property, and double the tax levied by the State upon taverns, groceries, bar-rooms, tippling houses, nine and ten pin alleys, and billiard tables in said county.

Sec. 3. The said special tax levied and collected as aforesaid, shall be applied to the purpose of enabling the people of Fayette county to aid in the construction of the Buffalo Bayou, Brazos

and Colorado Railroad from a point opposite the town of Columbus to the town of Lagrange; and the Assessor and Collector shall issue to each tax payer on the payment of his annual taxes a receipt for the same, countersigned by the Chief Justice of the county, and witnessed by the County Clerk; which receipts shall be assignable and transferable by endorsement, and shall be received by said Railroad Company, in payment for freights and passenger fare over said road, from and after the receipt by said company, of the whole of the special tax levied and collected as provided in this act: Provided, that any legal holder of such receipts to the amount of one hundred dollars, shall have the option to receive therefor, certificates of stock in said road, in shares of one hundred dollars each.

Sec. 4. The money levied and collected under the provisions of this act, shall be paid to said company in installments, on the completion of the grading and cross-tieing of said road in sections, and whenever it shall be shown to the satisfaction of said County Court, that a section of not less than five miles of said road on the East side of the Colorado river, between a point opposite Columbus and the town of Lagrange, not before paid for under the provisions of this act, has been granted, and the cross-ties laid thereon ready for the iron, the said Court shall draw in favor of the President of said Railroad Company, upon the County Treasurer for a sum not to exceed one-third of the estimated amount of the special tax to be raised under this act, and the said Treasurer shall pay said drafts out of any money paid into the Treasury by the Assessor and Collector under the provisions of this act.

Sec. 5. The said tax shall not be levied until the sense of the voters of said county shall be taken upon the subject, and it shall be the duty of the County Court to order polls to be opened at the several places of voting in said county, at a time to be fixed by the court as early as practicable after the passage of this act, which polls shall be presided over and conducted in the same manner as at other county elections, and at least ten days' notice of said election shall be published in the newspapers published in said county, which said notice shall give the time of holding said election, the objects for which it is held, the amount of tax to be levied annually, and the number of years for which it is to be levied, and the voters who favor the tax as contemplated in this act, shall inscribe upon their ballots "For the tax," and those who oppose the same shall inscribe upon their ballots, "Against the Tax," and the return of the voting shall be made to the Chief Justice, and opened and counted as in other elec-

tions, and unless the result of the voting shall be that two-thirds of the tax payers polled at said election are in favor of said tax, the County Court shall not make such levy: Provided, that if the result of the first election held be averse to the tax, after the lapse of six months, polls may again be opened as before to take the sense of the voters, and the County Court shall be governed by the result, and further, provided, that no person shall vote at any election herein provided for, unless he shall be a qualified elector in said county, and shall be subject to payment of taxes under the provisions of this act.

Sec. 6. If two-thirds of the tax payers who vote at said election are in favor of said tax, the County Court shall enter an order in the minutes of the court levying said tax, which order shall be final on the subject, and shall prescribe the amount of tax levied annually, and the number of years for which the same is levied, and require the Assessor and Collector to assess and collect the same under the provisions of this act: Provided, that the said court shall first ascertain that the said Railroad Company assent to the conditions of the aid to be extended to them by means of the tax aforesaid, and obtain from them an agreement in writing to comply on their part with said conditions.

Sec. 7. That this act take effect from and after its passage.

Approved 11th February, 1860.

CHAPTER 207.

An Act for the relief of William P. Tindall.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be required to issue to William P. Tindall, a donation certificate for six hundred and forty acres, for having participated in the battle of San Jacinto, to be located on any vacant public domain subject to location.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved 11th February, 1860.

CAPTER 208.

An Act for the relief of Andrew J. Ford, deceased.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be and he is hereby authorized and required to issue to the heirs of Andrew J. Ford a certificate for six hundred and forty acres of land, which may be located and patented in the same manner as other headright certificates: Provided, that they have not heretofore received said land.

Sec. 2. That this act take effect from and after its passage.

Approved 11th February, 1860.

CHAPTER 209.

An Act for the relief of Benjamin Baccus.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be and he is hereby authorized and required to issue to Benjamin Baccus a certificate for six hundred and forty acres of land, as a settler in Peter's Colony, and that this act take effect and be in force from and after its passage.

Approved February 11, 1860.

CHAPTER 210.

An Act for the relief of the heirs of Charles D. Ferris.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be and he is hereby authorized and required to issue to the heirs of Charles D. Ferris a certificate for nine hundred and sixty acres for bounty for his services in the army of Texas.

Sec. 2. That this act take effect from and after its passage.

Approved 11th February, 1860.

CHAPTER 211.

An Act for the relief of the legal representatives of Calvin Gage, deceased.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to the legal representatives of Calvin Gage, deceased, a certificate for three hundred and twenty acres of land, and a donation warrant for six hundred and forty acres of land, to which they are entitled by virtue of three months' services of said Gage, as a soldier in the army of Texas during the spring of 1836, and his having participated in the battle of San Jacinto: Provided, that they have not heretofore had the same issued to them.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved 11th February, 1860.

CHAPTER 212.

An Act for the relief of the heirs of John E. Ross.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office of the State of Texas, is hereby authorized and required to issue to the heirs of John E. Ross a certificate for one league and labor of land, which may be located, surveyed and patented as other certificates, which shall be in full compensation for his services rendered as captain of the steamer Yellow Stone.

Sec. 2. Be it further enacted, That this act take effect and be in force from and after its passage.

Approved 11th February, 1860.

CHAPTER 213.

An Act for the relief of Peter B. Norton.

Section 1. Be it enacted by the Legislature of the State of Texas. That the Commissioner of the General Land Office be,

and he is hereby authorized and required to issue to Peter B. Norton an augmentation certificate for eight hundred and thirty-six acres of land, to be located, surveyed and patented on any of the public domain of the State of Texas, not otherwise appropriated as in other cases: Provided, said Peter B. Norton has not heretofore received his full headright of one-third of a league of land.

Sec. 2. That this act take effect from and after its passage.

Approved 11th February, 1860.

CHAPTER 214.

An Act for the relief of W. A. Bush.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Comptroller be authorized to allow to W. A. Bush in the settlement of his accounts with the State full pay as Boundary Commissioner, during the time he performed the duty of said commission after the resignation of Wm. R. Scurry, in accordance with the law organizing the appointments of a Commissioner to survey our boundary with the United States.

Sec. 2. That this act take effect from and after its passage.

Passed 11th Feb., 1860.

CHAPTER 215.

An Act for the relief of Thomas S. McFarland.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office is hereby authorized and required to issue to Thomas S. McFarland a certificate for three hundred and sixty nine acres of land; that amount being necessary to complete the augmentation to which said McFarland is justly entitled, which certificate may be located and patented as other like certificates.

Sec. 2. That this act to take effect and be in force from and after its passage.

Approved 11th Feb., 1860.

CHAPTER 216.

An Act for the relief of P. W. Fuller.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to P. W. Fuller a headright certificate for six hundred and forty acres of land, provided, the same has not been heretofore granted; to be located, surveyed and patented as other headright certificates.

Sec. 2. That this act shall take effect from its passage.

Approved 11th Feb., 1860.

CHAPTER 217.

An Act for the relief of M. F. Alexander.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be required to issue to M. F. Alexander an augmentation certificate for three hundred and twenty acres of land: Provided, he has not heretofore received the same, which certificate, when issued, may be located upon any of the unappropriated domain of the State of Texas.

Sec. 2. That this act take effect from its passage

Approved 11th February, 1860.

CHAPTER 218.

An Act for the relief of Bennet H. Zachary.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to Bennet H. Zachary a headright certificate for six hundred and forty acres or land, to be located, surveyed and patented as other headright

certificates: provided, he has not heretofore received a certificate for his headright.

Sec. 2. That this act take effect from and after its passage.

Approved 11th February, 1860.

CHAPTER 219.

An Act for the relief of A. F. Smith.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Comptroller of the State of Texas be, and he is hereby authorized and required to draw a draft on the Treasury of the State, and in favor of A. F. Smith for the sum of one hundred and ninety dollars, and upon presentation of the same, the Treasurer of the State is hereby authorized and required to pay the same: Provided, the same be paid out of the unexpended balance of the appropriation to defray the expenses of the sub-engineering in the State.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved 11th Feb., 1860.

CHAPTER 220.

An Act for the relief of the Buffalo Bayou, Brazos and Colorado Railroad Company, and their assigns.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Buffalo Bayou, Brazos and Colorado Railroad Company, or their assignees, be allowed the further time of twelve months to locate certificates for land issued to said Company by this State, where the same were not, or may not be located in the time prescribed by law; and that this act take effect from its passage.

Approved 11th February, 1860.

CHAPTER 221.

An Act to incorporate the Southern Cotton Press and Manufacturing Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That Ebenezer B. Nichols, Jacob C. Kuhn, Allen Lewis, A. P. Lufkin, T. W. House, C. Ennis, Wm. Hendly, J. L. Sleight, J. J. Hendly, Thaddeus Mather, Charles R. Hughes, Frank J. Lewis, Robert Mills, C. G. Wills, H. R. Percy and John Wolston, their associates and successors, be, and are hereby constituted and declared to be a body politic and corporate, under the name and style of the "Southern Cotton Press and Manufacturing Company," with capacity to make contracts, to have succession and a common seal, to make by-laws for its government, and in its corporate name to sue and be sued, to buy, receive and possess movable and immovable properties, and to sell, alienate and dispose of the same, and generally to do and perform such acts and things as may be necessary and proper for, or incident to the fulfillment of its objects or maintenance of its rights under this act, and consistent with the State Constitution.

Sec. 2. That said Company be, and is hereby established with the right to receive, store, warehouse, repair, compress and re-bale cotton, and to manufacture all articles of which cotton forms a component part, and to do all other acts and things necessary or incident to the proper conducting of, and carrying on the business aforesaid.

Sec. 3. That the capital stock of said company shall not, at any time, exceed five hundred thousand dollars, to be divided into shares of one hundred dollars each, and the holders of such shares shall constitute said company, and each member shall be entitled to one vote in person, or by written proxy, for each and every share he or she may own upon the books of the company, and under such rules and regulations as may be from time to time, as may be prescribed by the by-laws of said company.

Sec. 4. That the capital stock of said company shall be transferable only upon the books of said company, in such manner, and subject to such rules and regulations as a majority of the stockholders may from time to time prescribe.

Sec. 5. That all the corporate powers of the company shall be exercised by a Board of Directors, composed of not less than five nor more than nine stockholders, residents of the city of Galveston, to be elected on the second Tuesday in January of each year, at the office of the company. Notice of such elec-

tions shall be given five days previous in one of the newspapers published in the city of Galveston: provided, that the first election may be held immediately after the organization of the Company, after the passage of this act—and the Board so elected shall continue in office until the first annual election thereafter, and until their successors are elected. In all elections those persons receiving a plurality of votes shall be considered duly elected; and in the event of no election taking place on the day herein appointed, the President shall cause another election to be held within thirty days thereafter, and give notice of the same by advertisement, as aforesaid. No person shall be eligible to fill the office of Director unless he be the owner of ten shares of the capital stock of said company, standing on the books of the company, in his name, for thirty days next preceding the day of election; and in case of failure to elect at the stated time, the Board of Directors incumbent shall continue in office until there be an election.

Sec. 6. That the Board of Directors shall elect a President from their number, fill vacancies, and appoint such officers as they may deem necessary, and remove the same at pleasure, and require security for the faithful performance of their duties; also prescribe the time for the payment of installments or assessments upon stock, and the amount of such installments and assessments; to declare the forfeiture of such stock for non-payment, and to do, or cause to be done all other acts and things which they may deem necessary or proper in conducting the business of said company. A majority of said Board of Directors shall constitute a quorum for doing business, and the Board shall have the right to appoint a Vice-President from their number, to act in case of the absence of the President.

Sec. 7. That all instruments of writing executed by the President, or in his absence by the Vice-President, and by the Secretary, under the seal of the company, with the consent of the Board of Directors, shall be valid and binding on the company.

Sec. 8. That this act shall take effect and be in force from and after its passage, and continue for twenty years.

Approved February 11th, 1860.

CHAPTER 222.

An Act donating one league of land, each, to Dennis Mead, Richard Mead, and Thomas B. Eastland.

Section 1. Be it enacted by the Legislature of the State of Texas, That one league of land, each, is hereby donated to Dennis Mead, Richard Mead, and Thomas B. Eastland, for services rendered the late Republic of Texas; that the Commissioner of the General Land Office be, and is hereby authorized and required to issue a certificate for one league of land, each, to Dennis Mead, Richard Mead, and Thomas B. Eastland, which certificates, when issued, may be located on any of the unappropriated domain of the State of Texas, and patented as other lands.

Sec. 2. That this act take effect from and after its passage.

Approved February 11th, 1860.

CHAPTER 223.

An Act to incorporate the Texas Cotton Seed Oil and Manufacturing Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That Isaac G. Williams and his associates and successors are hereby declared a body corporate, under the name and style of the "Texas Cotton Seed Oil and Manufacturing Company," and by that name they may transfer their rights by succession or assignment, have a common seal, make by-laws for its government and the regulation of its affairs, sue and be sued, plead and be impleaded, purchase, hold and convey all such real and personal estate as may be necessary or proper for carrying on the business of this charter, and to do and perform all such acts and things as may be necessary or proper for, or incident to the fulfillment of its obligations or the maintenance of its rights under this act, and consistent with the Constitution.

Sec. 2. Said company is hereby invested with the rights, power and authority to own, erect, establish, maintain and operate the necessary buildings and machinery for the manufacture of cotton seed and other oil, or such other articles as said company may at any time manufacture for sale, in the county of Galveston, or at such other place or places in the State as by said company may be deemed advisable.

Sec. 3. That the capital stock of said company shall be one hundred thousand dollars, to be divided into shares of one hundred dollars each, and said company shall have authority to increase said capital to two hundred and fifty thousand dollars.

Sec. 4. That the affairs of said company shall be managed by a Board of five Directors, each of whom shall own at least ten shares of the capital stock of said company. A majority of said Directors shall constitute a quorum to do business, and shall have power to appoint a President from their own number, and to fill all vacancies that may occur in the Board of Directors, from death, resignation or otherwise. After the first election of Directors, by virtue of this act, all subsequent elections shall be held at such time and place as they shall appoint. In case of failure to elect said Directors at such time and place, the corporation shall not for that cause be dissolved, but the President and Directors previously elected shall continue to perform their duties until successors are chosen.

Sec. 5. That the Directors shall be chosen by the stockholders of said company, and that each stockholder shall have one vote for each share that he may own, and may vote in person or by proxy.

Sec. 6. That the President and Directors of said company shall have full authority to adopt all such rules, regulations and by-laws as they may consider necessary to effect the objects of this act of incorporation, not inconsistent with the laws of this State; and may appoint and remove at their pleasure all agents or other employees necessary to transact the business of said incorporation.

Sec. 7. That this act take effect from and after its passage.

Approved 13th February, 1860.

CHAPTER 224.

An Act to authorize the Commissioner of the General Land Office to introduce the De Rvee method of printing and multiplying drawings, or to establish a Photographic Bureau for the purpose of facilitating the business of the office.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be,

and he is hereby authorized to introduce the De Ryee method of printing and multiplying maps, or to establish a Photographic Bureau for the purpose of facilitating the business of the General Land Office; that the said Commissioner may adopt either the De Ryee method of printing and multiplying maps, or establish a Photographic Bureau, as in his judgment may be best for the use of the office.

Sec. 2. In case the Commissioner of the General Land Office decides to introduce the De Ryee method of printing and multiplying maps and drawings, then the said Commissioner is authorized to contract with Wm. De Ryee, for the use of his invention for the benefit of the State of Texas: provided, the said De Ryee shall communicate to the Commissioner of the General Land Office, and to such employees of his office as said Commissioner may direct, all the information necessary to enable such Commissioner and employees to do the printing, and to multiply the maps and drawings of said office in an accurate and satisfactory manner to said Commissioner. Said Wm. De Ryee, in case his plan is adopted, shall superintend the printing or multiplying maps and drawings in said Land Office for such time as the said Commissioner and the said De Ryee may agree; that when the Commissioner is satisfied with the utility and practicability of said plan, and can direct the employees of the office in the work, he shall be authorized to draw from the treasury the amount he may have agreed to pay, not exceeding the amount hereinafter appropriated.

Sec. 3. That should the Commissioner establish a "Photographic Bureau," he is hereby authorized to purchase for the use of the General Land Office, the "Cameras," apparatus and material necessary for the Photographic Bureau, and to employ a suitable and efficient photographer to take charge of said Bureau, under the direction of the Commissioner of the General Land Office.

Sec. 4. That the compensation for the employees of the office, employed to put in operation the De Ryee plan, or the system of photography, as well as the tariff of charges for work done in the office, shall be regulated by the said Commissioner for individuals, the maps and sketches to be furnished at the most reasonable rates.

Sec. 5. That the sum of five thousand dollars, or so much thereof as may be necessary for the purpose aforesaid be, and the same is hereby appropriated out of any money in the treasury subject to the control of the Commissioner of the General Land Office, to carry into effect the provisions of this act.

Sec. 6. That this act take effect from and after its passage
Approved 11th February, 1860.

CHAPTER 225.

An Act for the relief of James H. Brown.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to James H. Brown, of Medina county, an unconditional certificate for three hundred and twenty acres of land, which certificate may be located upon any of the vacant public domain, and patented as in other cases.

Sec. 2. That this act shall take effect from its passage.

Approved 13th February, 1860.

CHAPTER 226.

An Act for the relief of John Ricord.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Treasurer of this State be, and he is hereby authorized and required to pay to John Ricord one thousand three hundred and twenty-five dollars and sixteen cents, (\$1,325 16,) out of any money in the treasury not otherwise appropriated, for his salary as acting Secretary of State of the late Republic of Texas, from the 25th day of December, A. D., 1836, to the 13th day of June, 1837, and salary as District Attorney of the 4th Judicial District, of said Republic, for the years 1837 and 1838.

Sec. 2. That this act take effect from and after its passage.

Approved 13th February, 1860.

CHAPTER 227.

An Act for the relief of Jose Ygnacio Cordova.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be required to issue to Jose Ygnacio Cordova, an unconditional head-right certificate for three hundred and twenty acres of land, to be located, surveyed and patented upon any of the vacant domain of the State: provided the said Jose Ygnacio Cordova has not heretofore received the same.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved 13th February, 1860.

CHAPTER 228.

An Act to incorporate the Texas, New Orleans and Northern Express Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That Wm. Truesdail, Geo. W. Shaw, Stephen A. Stiles and John Bradley, their associates and successors be, and they are hereby constituted and declared to be a body corporate, under the name and style of the "Texas, New Orleans and Northern Express Company," with capacity to make contracts, to have succession and a common seal, to make by-laws for its government, and in its corporate name to sue and be sued, to grant and receive, and generally to do and perform such acts and things as may be necessary and proper for, or incident to the fulfillment of its objects, or maintenance of its rights under this act, and consistent with the provisions of the State Constitution.

Sec. 2. That the said company be, and is hereby established with the right of carrying on a general express business, and of owning and maintaining such real estate, only, as may be necessary for its offices, warehouses and other buildings incident to the transaction of its business; and of owning, constructing and maintaining such railroad cars, carriages, wagons, steamers, barges, horses and other property that may be necessary and proper for the performance of its business.

Sec. 3. That the capital stock of this company shall be one hundred thousand dollars, with the power to increase the same

to one million of dollars; and that the stock shall be divided into shares of one hundred dollars each, and shall be deemed personal property—each share entitling the owner to one vote in person or by proxy, at all meetings of the stockholders, and shall be transferable on the books of the company.

Sec. 4. That the management of the affairs of the company shall be vested in a Board of not less than three directors, who shall be elected by the stockholders, annually—who shall hold their places until their successors are elected; and no person shall be eligible to the office of Director who shall not be the owner of at least ten shares of the capital stock. The Directors shall have the power to elect one of their number as President of the company, and to appoint a Secretary, Treasurer, and such other officers and agents as may be necessary for the transaction of its business.

Sec. 5. That this company shall be vested with the power to transact an express transportation business throughout the State of Texas, and in the adjoining States and Territories, where its business relations may require; and it is specially authorized to contract with any railroad company or companies, and all steamboats or steamboat companies, for transportation on or over railroads or steamboat routes, and with all railroad companies for furnishing rolling stock or motive power, either for the transaction of the railroad's business, or that of this company.

Sec. 6. That this company shall be subject to all the laws of this State regulating common carriers.

Sec. 7. That this act be in force for the term of twenty years, unless renewed or extended, and shall take effect from and after its passage.

Approved 13th February, 1860.

CHAPTER 229.

An Act for the relief of certain persons hereinafter named.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the Court of Claims be, and he is hereby authorized and required to issue land certificates to the following persons, for the respective amounts hereinafter

named, to-wit: to A. C. C. Bailey, 320 acres, bounty; Moses Little, 1,476 acres, headright, and 1,920 acres, bounty; Wm. P. Newman, 640 acres, to be issued to his heirs; J. B. Fox, 320 acres, bounty; Robert C. Cappy, 640 acres, headright; Moses Townsend, 640 acres, donation; Phillip Howard, 640 acres, headright; M. B. Lamar, a duplicate donation for 640 acres; Houston M'Key, a duplicate of unconditional certificate issued by the Board of Land Commissioners of Upshur county, for 640 acres, which issued upon conditional certificate No. 93, in Bowie county, be issued; George Dedrick, two-thirds of a league and one labor, augmentation headright; Chester S. Gorbett, duplicates for 320 acres bounty, and 640 acres donation; Reynold Reynolds, unconditional headright certificate issued upon conditional No. 83, issued by the Board of Land Commissioners of Nacogdoches county, on the 5th of July, 1838; Robert Wilkins, 1,476 acres, headright; William Gray, 1,280 acres, headright; B. F. Childress, 1280 acres, bounty; Charles B. Clough, 1476 acres headright, and 1920 acres bounty; Matthew Dunn, 320 acres, bounty; heirs of John Childress, one league and one labor; Hudson Westbrook, unconditional certificate issue for 640 acres, upon conditional No. 78, issued by the Board of Land Commissioners of Liberty county, on the 8th November, 1839; Samuel Arbuckle, unconditional certificate for 320 acres upon conditional issued by the Board of Land Commissioners of Galveston county, on the 30th December, 1839, No. 767; Francis A. Whitaker, unconditional certificate issue for 640 acres upon conditional No. 118, issued by the Board of Land Commissioners of Matagorda county; John W. Anderson, 640 acres, donation San Jacinto service; George Sargent, one league and one labor; George Reynolds, 640 acres, donation; Spyar Singleton, 640 acres, bounty; William Earp, 640 acres, headright; F. W. Johnson, one league and one labor; Samuel C. King, 1280 acres, bounty; Charles S. Fields, 320 acres, headright; John W. Hale, 320 acres, headright; John H. Pier-son, 320 acres, bounty; John Moss, 640 acres, donation; James M. Thomas, 1280 acres, bounty; Robert Barr, 1476 acres, headright, and 640 acres donation; Jonathan B. Frost, 1476 acres, headright; heirs Daniel Fox, 640 acres, headright; Hannah Donohoe alias Alexander, one league and one labor; Daniel H. Vail, one league and one labor; Robert Foote, 320 acres, bounty; Joseph Morrison, 1280 acres, bounty; G. S. Park, 640 acres, donation; William Davis, 640 acres, headright; Isaac P. Wallace, 1476 acres, headright; Anthony Foster, 320 acres bounty, and 640 acres donation; Charles Jackson, 1280

acres, headright; William D. Hayden, 320 acres, headright; James Smith, 640 acres, headright; Rudolph Dufour, 640 acres, headright; J. D. Jennings, 640 acres, donation; Peter Kendall, 640 acres, bounty; Isaac Robertson, 320 acres, bounty; Thomas Robbins, 640 acres, bounty; Richard Treat, 640 acres, headright; John Birth, 960 acres, bounty; Thomas J. Thompson, unconditional certificate issue upon conditional No. 101, issued by the Board of Land Commissioners of Washington county, on 2d August, 1838, for 640 acres; William A. Wood, 640 acres, headright; heirs of Jacob Black, 1476 acres, headright; James M. Robinson, that a donation certificate for 640 acres, issued by the Commissioner of Claims, No. 4-15, issued on the 5th January, 1859, be validated; William E. Glenn, 320 acres, headright; John W. Smith, unconditional certificate issue upon conditional certificate issued by the Board of Land Commissioners of Bastrop county, for 640 acres, February, 1838; Alexander E. Patton, a duplicate for one-third of a league in lieu of one issued to him by the Adjutant-General, and failed to be countersigned by the Commissioner of the General Land Office; John H. Adee, 1280 acres bounty and 640 acres donation; John H. Cullum, unconditional certificate No. 41, issued by the Board of Land Commissioners of Hopkins county, for 320 acres, on the 19th February, 1855, be validated; Greenberry Gates, 1476 acres, headright; heirs of Wister Evans, 640 acres headright, and 320 acres bounty; Thomas Gray, one-fourth of a league, headright; heirs Charles Spaulding, 640 acres, headright; heirs of Andrew P. Cunningham, one-third of a league, headright; J. D. Morris, 320 acres bounty, and 640 acres donation; Ransom G. Blanton, 320 acres additional headright; W. W. Waring, 320 acres, headright; heirs of Douglas Brown, 320 acres, bounty; Simon P. Ford, 640 acres, donation; Levi P. Scott, 369 acres, augmentation headright; F. C. Catonet, one-third of a league be issued in lieu of No. 224, issued by the Board of Land Commissioners of Brazoria county, and the original be canceled; Randolph D. Spain, 960 acres, additional bounty; Antonio Hernandez, donation warrant No. 724, issued by Adjutant-General Gillett, for 640 acres, be validated; Jose Alameda, donation warrant No. 732, issued by Adjutant-General Gillett, for 640 acres, be validated; James McDaniel, by assee, bounty warrant No. 1542, issued by Adjutant-General Gillett, for 320 acres, be validated to original grantee; heirs of John Jacobs, one-third of a league issue in lieu of one-fourth of a league issued by George Antonio Nixon, 26th October, 1835; John F. Lund, 1476 acres, headright; Gustavus Bunson, one-

third of a league headright, and 960 acres additional bounty; Robert M. Burton, 1476 acres, headright, and that it issue to Josiah Bishop, assignee; Anthony Bates, 1280 acres, bounty; Lolus Lapolean, one-third of a league, headright; Jacob Rogers, 240 acres, bounty; Thomas G. Masterson, 1280 acres, headright; John James, 1600 acres bounty, and 640 acres donation; heirs of Ulrich Wutrich, 960 acres, additional bounty; heirs of Benjamin F. Blake, 1280 acres, bounty; heirs of M. P. Kelly, 820 acres bounty, and 640 acres donation; heirs of Willis Edson, 1280 acres bounty; Stephen Stanley, one labor, additional headright; heirs of Thomas J. Robinson, one-third of a league headright, 320 acres bounty, and 640 acres donation; Sylvanus Dunham, 240 acres, bounty; James Calk, one-third of a league headright, 1920 acres bounty, and 640 acres donation; Joseph Smith Johnson, one-third of a league headright, and 1280 acres additional bounty; James D. Sharum, 640 acres, bounty; Evin Corner, 640 acres, donation; heirs of McK. Moses, 640 acres, bounty; heirs of Thomas Robinett, 320 acres, headright; Horace Hall, 1476 acres headright, and 1280 acres bounty; John D. Brooks, 320 acres, bounty; Jacob Allbracket, 960 acres, bounty, to be issued to Henry Teal, as assignee; heirs Leroy Wilkinson, 960 acres bounty, and 640 acres San Jacinto donation; Thomas Stokley, 320 acres, bounty; Charles B. Banner, 640 acres, donation; Lewis Wells, 320 acres, bounty; Benjamin Howard, 1280 acres, bounty; John B. Rhodes, 640 acres, bounty; Henry Halbrook, 640 acres, bounty; Jacob Eyler, 640 acres, San Jacinto donation; John L. Boatright, 640 acres, bounty; M. M. Parkerson, 640 acres bounty, in lieu of a Poe certificate; Stephen H. Burton, 640 acres, bounty; heirs of Placedo Venabidas, 320 acres bounty, and 640 acres donation, for having participated in the siege of Bexar; W. B. Burditt, one labor, augmentation; A. Greenlaw, 640 acres, San Jacinto donation; Henry Gardner, 320 acres, headright; heirs of John Henry Maynard, 320 acres, headright; Miguel del Poso, one league and one labor, less 1280 acres; Justo Travieso, 3325 acres, additional headright; Lucus Munoz, 3325 acres, additional headright; heirs of Jose Delgado, one league and one labor, in lieu of an amparo title issued by Gov. Letona, on 20th April, 1831; Octavius A. Cook, a duplicate donation issue upon certificate No. 7, issued by the Board of Land Commissioners of Matagorda county, for one league; J. C. Farp, 320 acres, headright; Mary Ann Brush, 640 acres, headright; Elizabeth Stanly, one league, additional headright; J. R. Miller, 320 acres, headright; John Frederick, unconditional certificate issue upon conditional

issued by the Board of Land Commissioners of Harris county, on 6th June, 1838, for 640 acres; heirs of Isaac D. Steel, 640 acres headright, and 640 acres bounty; John F. Gilbert, 1476, headright; Edward S. Jones, 1476 acres, headright; James Cole, 1476 acres, headright, less 640 acres; John Anderson, F. Brichta assignee, bounty warrant No. 1715, issued by Adjutant-General Gillett, for 320 acres, be validated; James Humphries, 320 acres, bounty, in lieu of lost Poe certificate; George M. Deadrick, 640 acres bounty, and 640 acres donation; Fielding Deadrick, 640 acres bounty, and 640 acres donation; Daniel Martindale, 1476 acres, headright, 640 acres bounty, and 640 acres donation; Thomas P. Hotchkiss, 640 acres, bounty; heirs of James Bowie, one labor augmentation headright, and 1920 acres bounty; William Crittenden, 640 acres, bounty; Samuel Shupe, two-thirds of a league and one labor augmentation, being the amount decreed to him by the District Court, but never issued; Santiago Hernandez, one league and one labor, less 640 acres, headright; heirs of David Cowan, 320 bounty, and 640 acres donation; A. E. C. Johnson, 320 acres, bounty; heirs of Ephriam Talby, 320 acres, bounty; H. Anderson, 320 acres, bounty; Juan Xemines, 960 acres, bounty; Lewis Mathews, 1476 acres, headright; Oliver T. Brown, 1280 acres bounty, and 640 acres donation, Washington P. Kelly, 640 acres, bounty; J. D. Rains, 320 acres, special bounty for being at Bexar; John Cooper, 320 acres, bounty; E. C. Miller, 320 acres, bounty; William Watts, 320 acres, bounty; heirs J. Rutherford, 320 acres, special bounty for being at Bexar; E. G. Rector, one league, donation for being permanently disabled in the battle of San Jacinto; Thomas Dresser, 320 acres, bounty; William N. Thorn, 640 acres, bounty; heirs William Crenshaw, 640 acres, headright; W. B. Rhew, by assignee, unconditional certificate No. 6, class 4, issued by the Board of Land Commissioners of Nueces county, 11th January, 1854, be validated to the original grantee; Clementa Garcia, 960 acres, additional bounty; Mates Cassillas, 960 acres, additional bounty; Coviaco Conti, 960 acres, additional bounty; Carlos Chacon, 960 acres, additional bounty; Luis Castanon, 960 acres, additional bounty; Domingo Losoya, 1280 acres bounty, and 640 acres donation; Marcelina de la Garza, 960 acres, additional bounty; Pedro Gaona, 960 acres, additional bounty; Jesus Gomez, 1280 acres bounty, and 640 acres, donation; Marjil Salinas, 960, bounty; Agapito Cervantes, 960 acres, additional bounty; Guadaloupe Garcia, 960 acres, additional bounty; Francisco Dias, 960 acres additional bounty; John C. Baker, one-third of a league, headright;

Justo Travieso, 1280 acres bounty, and 640 acres donation; Antonio Balle, 1280 acres bounty, and 640 acres donation; Juan Casillas, 1280 acres bounty, and 640 acres donation; Juan Jose Arocha, 1280 acres bounty, and 640 acres donation; heirs John H. Hyde, sen'r, one league and one labor, less 1280 acres; heirs of John H. Hyde, jr., one-third of a league, less 640 acres; George S. Hyde, one-third of a league, less 640 acres.

Sec. 2. Provided no certificate shall issue under the provisions of this act, where the parties have heretofore received the same; and, provided further, that should the Commissioner ascertain, from any evidence in his possession, that a certificate had heretofore issued to any of the persons mentioned in this act, and that such certificate had been rejected by the Traveling Board, then he shall not issue a certificate to such persons or their heirs.

Sec. 3. That this act take effect from and after its passage.

Approved 13th February, 1860.

CHAPTER 230.

An Act for the relief of Jose Leonardo de la Garza Trudo.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office is hereby authorized and required to issue to Jose Leonardo de la Garza Trudo a first class certificate as a headright for one league and one labor of land, to be located and patented as other lands to which he was entitled by virtue of the Constitution of the Republic of Texas: provided, he has not heretofore received a headright certificate by virtue of his residence in Texas at the time of the Declaration of Independence.

Sec. 2. That this act take effect from and after its passage.

Approved Feb. 14, 1860.

CHAPTER 231.

An Act for the relief of the heirs of Bluford Garrett.

Section 1. Be it enacted by the Legislature of the State of

Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to the heirs of Bluford Garrett a headright certificate for one-third of a league of land, to be located, surveyed and patented as other certificates of like character: provided, that no certificate has heretofore issued for the same.

Sec. 2. That this act take effect and be in force from and after its passage

Approved 14th February, 1860.

CHAPTER 232.

An Act for the relief of the heirs of E. Humphreys.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby directed to issue to the heirs of E. Humphreys, patents for two sections of land of 640 acres each, located in Coleman county, on "Mukewater creek," numbered 96 and 98 in section nine, made by W. S. Wallace, by virtue of land warrant No. 2419, issued by the Secretary of War, at the city of Houston, on the 21st February, A. D., 1838, to E. Humphreys for 1280 acres.

Approved 14th February, 1860.

CHAPTER 233.

An Act for the relief of Malcom L. Stewart.

Section 1. Be it enacted by the Legislature of the State of Texas, That the name of Malcom L. Stewart, of Lampasas county, be changed to that of Malcom L. Cooksey, and that he be, and is hereby made the legitimate son and heir of John C. Cooksey of said county of Lampasas.

Sec. 3. That this act take effect from and after its passage.

Approved 14th February, 1860.

CHAPTER 234.

An Act for the relief of T. F. White.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office, is hereby required to issue a patent to T. F. White for three hundred and twenty acres of land in accordance with the survey of the pre-emption claim of said T. F. White, as appears on the map of El Paso county, and that this act take effect from its passage.

Approved February 14, 1860.

CHAPTER 235.

An Act for the relief of Andres Menchaca.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be authorized and required to issue an augmentation certificate for 3325 acres of land to Andres Menchaca, and that the same may be located upon any portion of the vacant public domain of the State, not reserved for location, and surveyed and patented as in other cases.

Sec. 2. That this act shall take effect and be in force from and after its passage.

Approved February 11, 1860.

CHAPTER 236.

An Act for the relief of J. B. and D. R. Wortham, assignees of F. M. Woodard.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby required to cancel certificate No. 3237-3338 for one-third of a league of land issued by S. Crosby, Commissioner of the General Land Office, on the 13th February, 1854, to Marian Woodard, deceased, by virtue of an act of the Legisla-

ture entitled "an act for the relief of certain persons therein named, passed February 13th, 1854, and in lieu thereof, issue a certificate to J. B. and D. R. Wortham, assignees of of F. M. Woodard, for one-third league of land, to which said Woodard was entitled as a headright under the law of Texas, and which he sold and transferred to said Worthams, and that a patent issue to said assignees upon the survey now on file in the General Land Office, made in virtue of the certificate hereby cancelled: provided, the field notes of said survey are in all other respects correct.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved 14th February, 1860.

CHAPTER 237.

An Act to authorize the county surveyor of Denton county, to transcribe the land records of said county from the records of the late Denton Land District, and to legalize the same.

Section 1. Be it enacted by the Legislature of the State of Texas, That the county surveyor of Denton county be authorized to transcribe so much of the land records of the late Denton Land District, (now in his office) as relates to surveys within the present bounds of Denton county, into well-bound books; said transcript shall be examined and compared with the original records, by the surveyor and county clerk of said county as now provided by law, and when so examined and certified, shall have all the legal force and validity of the originals.

Sec. 2. After the completion of said land records, the said surveyor shall proceed to make a complete map of said county from said records, for the use of the county, and should it be necessary in order to complete the same, to make any connections, or run any lines in the field, he shall be authorized to make the same; for which services the said surveyor and clerk shall be allowed the same fees as are now allowed by law for similar services for new counties not before separate Land Districts, to be paid by said county, and the accounts of the same may be examined, audited and allowed by either the County or District Court of said county.

Sec. 3. That this act take effect and be in force from and after its passage.

Approved 14th February, 1860.

CHAPTER 238.

An Act to incorporate Kaufman University.

Section 1. Be it enacted by the Legislature of the State of Texas, That S. G. Parsons, J. W. Johnson, D. W. Boughton, Carey Cobb, H. J. Snow, R. A. Terrell, J. D. Ballew, L. T. Nash, E. C. Tinnin, Jonathan Terrell, Hugh Dial, Andrew Henry and G. J. Vance, with their associates elected by them, and their successors in office be, and they are hereby constituted a Board of Trustees of an institution or college of learning, to be established in the town of Kaufman, and county of Kaufman, which said institution or college is hereby incorporated by the name of "The Kaufman University," by which name it may sue and be sued, plead and be impleaded, and buy and sell property, real, personal and mixed, and hold the same, and may have a common seal for the transaction of its business, which seal it shall have power to make and alter at pleasure.

Sec. 2. Said Board of Trustees shall not be less than five nor more than thirteen in number, a majority of whom shall constitute a quorum to transact all business of the corporation; they shall have power to make such by-laws as they may think necessary for the government of said corporation and its finances; they shall have power to elect their successors and their other officers, appoint their own committees, and to examine into any branch of said University, and shall hold their offices until their successors are elected and ready to act.

Sec. 3. Said University shall possess all the privileges to institutions of learning of the highest grade, and shall not hold more than one hundred thousand dollars worth of property, and this act shall take effect and be in force from and after its passage.

Approved 14th February, 1860.

CHAPTER 239.

An Act to incorporate Washington Collegiate Female Institute in Washington county.

Section 1. Be it enacted by the Legislature of the State of Texas, That J. M. Brown, James McMilen, J. D. McAdoo, G. W. Crawford, J. G. Heard, R. T. Flewelling, J. B. Slack, B. B. Hutchinson, T. E. Blackshear, T. S. Henderson, J. L. Farquhar, N. H. Mullens, B. F. Rucker, H. E. Lockett, T. J. Lockett, W. T. Le-grand, N. Rector, D. D. Green, L. W. Groce, R. R. Peebles, J. Pitts, B. P. Curry, John West, J. C. Eldrige, N. C. Spencer, B. T. Wilson, Jas. Ringold, J. K. Holland, W. K. McAlpin, Thos. Elliot, J. J. Scott, J. P. Flewelling, W. Brewer, C. H. Cooper, T. Anderson, S. Holiday, R. L. Allen, B. M. Hatfield, O. A. Norwood, B. H. Knox, R. A. Lott, H. White, H. R. Cartwell, J. H. Littlefield be, and are hereby incorporated a body politic under the name and style of the President and Trustees of Washington Collegiate Female Institute, capable of suing and being sued, of pleading and being impleaded, of holding property, real, personal or mixed, of selling and conveying the same at pleasure, of having a common seal, and of doing whatever else shall be for the interest of the said institute.

Sec. 2. That seven of the Trustees of said Institute shall constitute a quorum to do business. The Trustees shall have the power of removing co-extensive with the power of appointing or election.

Sec. 3. That the Board of Trustees shall have the power to confer degrees in arts and sciences on the graduates of this Institution, and on such other persons as they may deem worthy, and to give diplomas thereof, signed by the President, and one or more of the Professors and under the seal of this Institute.

Sec. 4. That said Washington Collegiate Female Institute shall be purely literary and scientific, and shall be open alike to students of all religious denominations, and this charter continue in force twenty-one years.

Approved 14th February, 1860.

CHAPTER 240.

An Act to incorporate the Dialectic Society of the McKinzie Institute.

Section 1. Be it enacted by the Legislature of the State of

Texas, That L. E. Harrison, T. P. Patton, J. R. Parker, A. Corruthers, and such persons as they may associate with them, be, and they are hereby incorporated into a body politic and corporate, under the name and style of "The Dialectic Society of the McKinzie Institute," capable in law of having succession, of suing and being sued, of pleading and being impleaded, of holding property, real, and personal, of making by-laws and regulations for their own government, and of doing and performing whatsoever is proper and necessary for the advancement and interest of the Institute of learning hereby incorporated.

Sec. 2. That this act take effect from and after its passage.

Approved 14th February, 1860.

CHAPTER 241.

An Act to incorporate the Greenville Institute.

Section 1. Be it enacted by the Legislature of the State of Texas, That Thomas A. Dagley, Reuben Dejernet, Egbert Stevens, Albert Pace, Lewis Starr, L. B. Saunders, Richard Harrel and Charles A. Warfield be, and they are hereby declared a body corporate and politic, under the name and style of "the Trustees of the Greenville Institute."

Sec. 2. The said Trustees shall constitute a body corporate and politic in fact and in law, and in the name of "the Trustees of the Greenville Institute" may sue and be sued, plead and be impleaded in any court in this State; and shall have power to appoint successors, and shall hold property, real and personal to the amount of fifty thousand dollars, for the benefit of said Literary Institution; and may procure a seal to authenticate their acts.

Sec. 3. This act to take effect from its passage, and remain in force for twenty years.

Approved 14th February, 1860.

CHAPTER 242.

An Act to incorporate Bright Star Educational Society.

Section 1. Be it enacted by the Legislature of the State of Texas, That James A. Weaver, F. M. Rogers, W. R. Buford,

Joseph Hardage, Thomas Seares, W. M. Payne, C. M. Houston, H. H. Farrer, J. C. Goff, George Starr, C. J. Sullivan, Amanda Bullion, Joseph C. Duncan, B. W. Musgrove, A. B. Frost, Christian Duncan, O. L. Davis, Y. R. Goodman, J. J. Reeves, Henry Bingham, James D. Withers, D. H. Campbell, Martin Dial, W. J. Goodson and B. A. Vansickle of the county of Hopkins, in the State of Texas be, and they are hereby constituted a body corporate and politic, by the name and style of "Bright Star Educational Company;" and as such shall be capable and liable in law to sue and be sued, to plead and be impleaded, and shall be authorized to make such by-laws and regulations as may be necessary for the government of said Company: Provided, the same shall not conflict with the constitution and laws of the State; and for that purpose may have and use a common seal, and appoint and elect such officers as they may think proper, out of their own body; and remove the same from office at any time for improper conduct or neglect of duty.

Sec. 2. That the said body corporate and their successors in office, shall be privileged to accept of, and may be invested with all manner of property, real, personal and mixed; also, all donations, gifts, grants and privileges which may hereafter be granted to said company or body corporate, or which may hereafter be conveyed or transferred to said company or their assignees, to have and to hold the same for the use and benefit of said company.

Sec. 3. That any one who may now be, or who may hereafter become associated with said company, and whose names are not herein mentioned, shall be entitled to all the privileges of this act, upon their compliance with the stipulations of said company.

Sec. 4. That this act shall take effect and be in force for ninety-nine years from and after its passage.

Approved 14th February, 1860.

CHAPTER 243.

An Act to incorporate the San Antonio Literary Association.

Section 1. Be it enacted by the Legislature of the State of Texas, That the officers and members of the San Antonio Literary Association be, and they are hereby constituted a body corporate and politic, under the name and style of the San

Antonio Literary Association, and by that name they and their successors are declared capable in law of suing and being sued, in any court in this State; of holding property, real, personal and mixed, of selling and conveying the same at pleasure; of having a common seal, and of doing and performing whatever may be proper and necessary to be done, for the advancement of the Association, not contrary to the constitution and laws of this State.

Sec. 2. That this charter and privileges shall extend to said officers and members, and their successors, as long as they confine the operations of the association to literary subjects.

Sec. 3. That the officers and members of said Association may enact such by-laws for their own government as they may from time to time deem proper; and shall have all such rights and privileges as are by law incident to, or necessary for corporations of a similar character, and that this act take effect from and after its passage, and shall continue in force for and during the term of twenty years.

Approved 14th February, 1860.

CHAPTER 244.

An Act to incorporate the Nacogdoches Histrionic Association.

Section 1. Be it enacted by the Legislature of the State of Texas, That Frederick Voight, Charles J. Taylor, Charles A. Shanks, J. B. Harris, Milam Taylor, Jason T. Shanks and W. H. Harris and their successors be, and they are hereby constituted and declared a body corporate and politic, by the name and style of "The Nacogdoches Histrionic Association;" and by that name they and their successors may sue and be sued, plead and be impleaded, and may acquire and hold, and dispose of property both real and personal, to the amount of twenty thousand dollars and no more.

Sec. 2. That the corporators named in the first section of this act, shall and are hereby declared the Board of Trustees of "the Nacogdoches Histrionic Association," and a majority of them shall constitute a quorum for the transaction of any of the business of said association, or for holding any election hereinafter provided for.

Sec. 3. That the officers of the Association shall be a President, Secretary and Treasurer, who shall be elected by said Trustees from their own body for the term of one year.

Sec. 4. That for the purpose of electing the aforesaid officers and organizing said Association under the provisions of this act, the said Trustees shall, as soon as convenient, hold a meeting at such time and place in the town of Nacogdoches as they may agree upon, and the President of said Association shall have power to convoke a meeting of said Trustees whenever he may deem the business or interests of said Association or corporation shall so require, subject, however, to the provisions of this act hereinafter provided.

Sec. 5. That the Trustees of said Association or corporation in their organized capacity, shall have power to frame and enact any such ordinances and by-laws as shall appear to them necessary, for the proper regulation and management of said corporation and of their meetings, proceedings and elections, and the time of holding the same: provided, the same be not repugnant to the constitution and laws of this State, and the said Trustees or a majority of them in their organized capacity shall have power to enforce such ordinances and by-laws as may be adopted by them for the government of said corporation.

Sec. 6. That whenever any vacancy shall occur either by death, resignation or otherwise in the Board of Trustees, such vacancy shall be filled by the remaining members of said Board or a majority of them.

Sec. 7. That whenever a vacancy shall occur in the Presidency of said corporation, or in any of the other offices thereof aforesaid, the said Board of Trustees or a majority of them shall have the power to fill such vacancy or vacancies.

Sec. 8. That said Board of Trustees shall have a common seal for the business of themselves and their successors in office, with the liberty to change and alter the same from time to time; and all contracts, bargains, deeds, &c., made and executed, signed by the President of said Association, and his successors in office, and countersigned by the Secretary thereof, with the said common seal of said corporation attached, if so signed and executed by the consent of said Board of Trustees, shall be binding on said corporation both in law and equity, and shall be valid to all intents and purposes, and that this act shall take effect and be in force from and after its passage, and shall continue in for twenty years and no longer.

Approved 14th February, 1860.

CHAPTER 245.

An Act to incorporate the Hydraulic Company of San Antonio.

Section 1. Be it enacted by the Legislature of the State of Texas, That Francis Girand, Joseph Ulrich, Worick Tunstall, John C. French and F. L. Paschal and their associates and successors be, and they are hereby declared a body politic and corporate, under the name and style of the Hydraulic Company of San Antonio, and by that name may sue and be sued, plead and be impleaded, and may have a seal which may be broken, altered or changed at pleasure.

Sec. 2. That said Company is hereby invested with power to establish water marks in the city of San Antonio, or in its immediate vicinity, for the purpose of supplying the inhabitants of said city and surrounding neighborhood with water, and for the purpose, may erect one or more reservoirs, and may conduct the water through pipes of any description from the San Antonio river or San Pedro creek through or over any part of said city, or over the surrounding lands, for the purposes of irrigation, and for the purpose of supplying fountains, and for the use of the inhabitants generally; to use, for the purpose, the public streets, with the consent and under the regulation of city authorities, and, also, private property, by making compensation by agreement with the parties, or in the mode pointed out for condemning private property for the public use of said city; to charge such rates and tolls as may be agreed upon for the supply of water: Provided, the rates and tolls so charged shall not exceed twelve per cent. per annum on the amount of capital expended in the construction of such water works, after deducting all necessary expenses for managing and keeping the same in repair; to have and to own real estate by purchase, gift or devise, and the same to improve, alien and mortgage; to borrow money on bonds, secured by mortgage or otherwise; to lend any surplus capital on bond or mortgage, or on pledge of stocks, or upon other securities at a rate of interest not to exceed twelve per cent. per annum: provided, nothing herein contained shall be construed into banking privileges.

Sec. 3. The capital stock of said Company for the present, shall be two hundred thousand dollars, but the same may be increased by a vote of two-thirds of the stockholders in amount to five hundred thousand dollars, to be divided into shares of one hundred dollars each, and each share shall entitle the holder to a vote.

Sec. 4. The management of the affairs of said Company shall be under a Board of Directors of not less than three nor more than five, who shall be elected annually by a majority in amount of the stockholders, and the powers herein conferred upon said corporation may be exercised by such Board of Directors in the manner prescribed by the by-laws of the Company, and, also, such additional powers and duties as may be prescribed by the by-laws passed by two-thirds in amount of the stockholders: Provided, such by-laws be not contrary to the constitution, this act, nor the general laws of this State. The Board of Directors shall choose from their own body a President; a Treasurer and Secretary shall also be chosen by the Board of Directors; to have such powers and perform such duties as may be provided by the by-laws.

Sec. 5. That the parties herein named, or any two of them, shall proceed to organize said Company, by causing books of subscription for the capital stock of said Company to be opened, after two weeks' notice in a public journal at San Antonio, of the time and place of opening said books; and of the stock subscribed, one per cent. shall be paid at the time of subscribing; and when as much as thirty thousand dollars or more of the stock shall have been subscribed, and one per cent. thereon paid up, it shall be the duty of the stockholders to proceed to organize said Company by the enactment of by-laws and the election of Directors: Provided, however, that the books of subscription shall remain open for at least three days, unless the entire amount of the capital stock should be sooner taken. The Directors from time to time, may proceed to call in the remaining stock, or so much thereof as they may deem necessary, provided, not more than twenty-five per cent. shall be called within any period of sixty days.

Sec. 6. Said Company shall be required to keep a bound book, in which shall be entered the by laws of the Company, and the resolutions of the Board of Directors, and a minute of all their proceedings; and, also, a stock book, wherein shall be noted all stock issued and to whom issued, and which books shall at all reasonable hours be open to the inspection of any stockholder, and, also, of any officer of the State duly authorized to make such inspection.

Sec. 7. That in case said Company shall violate the provisions of this charter, the Directors so acting shall be liable for all damages resulting from their wrongful acts, and the State here reserves the power in such case, of repealing this act of incorporation without compensation

Approved 14th Feb'y, 1860.

CHAPTER 246.

An Act to provide for the incorporation of the town of Sabine Pass in Jefferson county.

Section 1. Be it enacted by the Legislature of the State of Texas, That the town situated on the lower portion of Sabine bay in Jefferson county, shall hereafter be known by the name of Sabine Pass.

Sec. 2. That all the provisions of an act entitled "an act to provide for the incorporation of towns and cities be, and the same are hereby extended to the town of Sabine Pass in Jefferson county.

Approved 14th February, 1860.

CHAPTER 247.

An Act supplementary to an act incorporating the city of Marshall, Harrison county.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Recorder of the city of Marshall, be vested with all the power and duties of the Mayor, in the absence of the Mayor, or in case of disqualification to exercise or discharge the duties of his office; and in all such cases, the acts of the Recorder to be as legal and binding as those of the Mayor.

Sec. 2. That the Board of Aldermen, be vested with the power to remove from office the city constable in case he be guilty of gross neglect of duty, and that they be further empowered to appoint a constable to supply the vacancy thus occurring.

Sec. 3. That this act shall take effect and be in force from and after its passage.

Approved 14th February, 1860.

CHAPTER 248.

An Act to incorporate the Metropolitan Railroad Company.

Section 1. Be it enacted by the Legislature of the State of

Texas, That there is hereby created a body corporate and politic to be styled the Metropolitan Railroad Company, and that said Company shall be capable in law and equity to sue and be sued, plead and be impleaded, answer and be answered unto, in any and all courts whatever; to make and use a common seal, and the same to alter or change at pleasure, and shall be, and are hereby authorized and empowered to make contracts, and make and enforce the necessary by-laws, rules and regulations to enable them to carry into effect the provisions of this act, and the objects contemplated by the same, and in accordance with the constitution of the State of Texas.

Sec. 2. That said Company be, and it is hereby invested with the right of locating, constructing, owning and maintaining a railway, commencing at the town of Texicana in Bowie county, and running thence in the most practicable route by the way of Jefferson, Marshall, Henderson, Palestine, Fairfield and Springfield to the city of Austin in Travis county.

Sec. 3. C. N. Stanley and J. J. Ellington of Cass, Alexander Pope and W. T. Scott of Harrison, Duncan Preston and Albert Tatum of Rusk, E. Mallard and Henry Raines of Cherokee, W. H. Lawrence and George W. Duke of Anderson, David H. Love and John Manning of Freestone, John Boyd and John R. Henry of Limestone, Thomas P. Aycock and James Crack of Falls, John H. Brown of Bell, James E. Harrison of McLennan, Josiah Taylor and James Herrell of Williamson, S. M. Swenson and George Hancock of Travis county, Joseph M. Fork and William J. Hayes of Bowie county, and F. J. Jackson and J. L. Pool of Anderson county, as Commissioners be, and they are hereby invested with the power and authority to organize said Company, in accordance with the provisions of this act.

Sec. 4. That the Commissioners named in the prece ing section, shall so soon as convenient, cause books to be open for subscription to the capital stock of said company, at the towns of Marshall in Harrison county. Carthage, Henderson, Rusk, Tyler, Palestine, Fairfield, Springfield, Marlin, Waco, Belton, Georgetown and Austin, which books shall be kept open for such time as said Commissioners may direct, and until two hundred and fifty thousand dollars of the capital stock is, or may be subscribed; due notice shall be given of the opening of said books, by the Commissioners, by publication in one or more newspapers published in the vicinity of the line of said Railroad. The following shall be the mode of subscribing for said stock, to-wit: by writing in said books, "The undersigned promise to pay the sum of one hundred dollars for each share of stock set opposite

to our respective name, in such manner and proportion and at such times as the President and Directors of the said Company may direct, witness our hands this the —— day of ——.

Sec. 5. The capital stock of said Company shall be five millions dollars, divided into fifty thousand shares of one hundred dollars each, and each share shall entitle the owner thereof, to one vote in person or by written proxy at all meetings of the stockholders, and the shares shall be deemed personal property, and shall be transferred only on the books of the corporation by the person or persons owning the same, or by his or their legally constituted agent or agents, attorney or attorneys, or by their legal representatives, trustee or guardian, and such stock shall be at all times holden by the corporation for any dues from the owner thereof to the corporation, or for any sums that may thereafter become due on any contract made with such corporation prior to such transfer.

Sec. 6. That the affairs and business of said Company shall be conducted and managed by a Board of Directors, (a majority of whom are to be resident citizens of Texas) not less than seven nor more than eleven in number, who shall be elected at the general meeting of the stockholders, to be held annually. They shall hold their offices for the period of twelve months, and until their successors are elected. The time for the first election shall be appointed by the Commissioners named in this act; thirty days' notice of which shall be given, and should the stockholders fail annually thereafter to meet and elect Directors as aforesaid, the Directors in office shall appoint a day for special election, giving like notice; no person shall be eligible as a Director unless he be the owner of ten shares of the capital stock; the subscriber at the time of subscription, shall pay to the Commissioners, five per cent. on each share subscribed. When one hundred and fifty thousand dollars of the capital stock may be subscribed, the Commissioners may close the books and call a meeting of the stockholders to organize said Company as hereinafter provided; the said Board shall elect a President from their number, and shall have power to fill vacancies, appoint a Treasurer and Secretary, and such other officers as they may deem necessary, and require security for the faithful performance of their duties; also, to prescribe the time for the payment of installments or assessments upon the stock, and the amount of such installments or assessment, and to establish by-laws not inconsistent with the constitution and laws of the State, for the government of the Company, and to do or cause to be done, all other acts or things which they may deem neces-

sary or proper in conducting the business of said Company; a majority of said Board of Directors shall constitute a Board for transacting business; instruments or contracts in writing, authorized by the Company, shall be signed by the President and countersigned by the Secretary, with the seal of the Company affixed, and the order or resolution of the Board of Directors, authorizing the instrument or contract in writing, shall be inserted in said instrument or contract, such instrument or contract shall not be inconsistent with the general railroad law now existing, or that may hereafter exist; that said Company shall be bound by the parol contracts made by their authorized agents.

Sec. 7. That no one shall be elected Director who is not the owner of ten shares of the capital stock of said Company; that the meeting to organize said Company shall be held at the town of Henderson in Rusk county; thirty days' notice of the meeting for the organization, shall be published in some newspaper published in one of the counties through which the road is designed to pass. So soon as the Company is organized, the several Commissioners shall pay over to the President and Directors of this Company, all and every amount received for and on account of stock subscribed; when so organized the President and Board of Directors shall have power to open the books for further subscription, and to keep them open until the whole amount of the capital stock is subscribed; that each new subscriber for stock at the time of his subscription, shall pay an amount on each share equal to the several installments paid in by prior subscribers to stock of said Company; that said Board of Directors may issue certificates of stock at its par value, in payment of any debts contracted for the construction and equipment of said road.

Sec. 8. That said corporation shall have power to call for such portions of the stock subscribed for, not exceeding twenty-five per cent. every twelve months as they may think proper, to be paid at such time as they may think proper, at such places as they may designate on the line of said road, by giving sixty days' notice thereof in some newspaper published on the line of said road, or by giving to the stockholders written notice, in which notice, shall be specified the amount called for and demanded on each share, and the time and place of payment, and if any stockholder shall fail, neglect or refuse to pay the amount so called for on his, her or their stock within sixty days after the time named for such payment in said notice, no such stockholder shall be entitled to hold the office of Director, to vote in virtue of said shares, or to draw any dividend on account

thereof, so long as the installments called for remain unpaid. Should any stockholder at any time be indebted to the Company for or on any other account than for stock, and fail or refuse to pay the same, it shall be lawful for the President, acting under a resolution of the Board of Directors, to transfer on the stock books of the Company, the stock of the defaulter, or so much thereof as shall pay said indebtedness, the value of the stock to be determined by the amount of installments paid on it, and should any such delinquent be a Director of said corporation, his office of Director may be by the balance of said Board declared vacated, and they may proceed to fill from the qualified stockholders in said corporation, such vacancy or vacancies in such Board of Directors, and the person or persons so appointed shall hold their office until the next annual election, and until their successors are elected and qualified.

Sec. 9. That said Company shall have power to borrow money on their bonds or notes at such rates as the President and Directors may deem expedient: provided, however, that nothing herein contained shall be construed so as to confer banking privileges of any kind.

Sec. 10. That it shall be the duty of said Company, whenever any State or county road now or hereafter established, shall be crossed by said railroad, to make and keep in good repair sufficient crossways at such crossings; and, in all cases where any person shall own land on both sides of the railway, and there shall be no other convenient access from one point to the other, such owner shall have the right of passage free of cost at all reasonable times across said Railway; and if said Railway shall cross any navigable stream, it shall not interfere with the navigation of the same.

Sec. 11. That said corporation shall have the right to charge and receive such rates and prices for transportation of passengers and freights, as shall not exceed five cents per mile for passengers, and for freights not exceeding fifty cents per hundred pounds, for every one hundred miles the same may be carried.

Sec. 12. That it shall be lawful for said Company to enter upon and hold for the purpose of locating, constructing and maintaining said railway, and as a right of way, any of the public domain through which said road may be located, not to exceed two hundred feet in width, and so much in addition thereto at the proper points on the line of said road, as may be necessary for depots and other public buildings; and any other lands or lots the property of individuals or corporations through which said road may pass, may be entered upon, taken posses-

sion of, and held for the purposes herein specified by this act, in the manner provided in this act; and that said Company before entering upon and taking possession of land, except public land, for the purposes specified in this section, shall agree with, and pay the owner thereof, the value of any other property that may be taken or destroyed by the seizure of said land, together with the damage that may be done to the real estate or property of the owner of the land thus taken possession of by said Company: provided, that if said Company and owner or owners cannot agree upon the said value and damages, then said Company shall propose to pay a specific sum; if that is not accepted, it shall be the duty of the Company to state in writing the real estate and property sought to be condemned, the name of the owner, and the object for which the same is sought to be condemned, and file the same with the Chief Justice of the county in which said property is situated; and thereupon the Chief Justice shall select and appoint three disinterested freeholders of said county as special Commissioners to assess said value and damages, giving preference to those that may be agreed upon between said Company and said owner; and it shall be the duty of said Commissioners when sworn by the Chief Justice, to assess said value and damages, taking as the rule of assessment, the actual value of the property so condemned, together with the actual damages done to the real estate and property of said owner by the running of said Railroad, and by the condemnation of said real estate and property for the use aforesaid; and the same Commissioners shall proceed thus: They shall appoint a day and place at the earliest practical period for the hearing of said parties, they shall on the day and at the place appointed fully hear said parties, they shall if they choose examine the land and property sought to be condemned, and then under oath assess by the rule before mentioned the said value and damages, it being the duty of said Company to give to the owner five days' written notice before the sitting of said Commissioners: provided, that either party is dissatisfied with the decision of said Commissioners, shall have the right to file a petition in the District Court as in ordinary cases, and the judgment rendered in the District Court, shall determine the value of the land, and the damage sustained by the owner of said land, which sum shall be paid by the Company.

Sec. 13. That if said Commissioners in a proceeding before them as provided for in the next preceding section, shall adjudge the Company to pay greater damages for the land taken, and the injury resulting therefrom, than the specific sum offered,

said Company shall pay all costs, and the same rule shall determine the cost in the District Court as before said Commissioners, but should said owner recover the same, or a less amount of damages than was offered by the Company, then he or she shall pay the cost.

Sec. 14. That said Company shall be entitled to all the grants, right, privileges, benefits and immunities, of an act to encourage the construction of railroads in Texas, by donations of land, approved January 30th, 1854.

Sec. 15. That the proviso in the twelfth section of the above mentioned act, which limits the benefits of the same to companies which shall construct and complete at least twenty-five miles of the road contemplated by their charters respectively, within two years after the passage of said act, shall not apply to the Company chartered by this act.

Sec. 16. That said Company shall be entitled to all the rights, grants, privileges, benefits, and immunities of an act entitled "an act to provide for the investment of the special school fund in the bonds of railroad companies incorporated by this State, approved August 13th, 1856.

Sec. 17. That the restriction in the act, amendatory of the third section of the last mentioned act, passed August 24th, 1856, which confines the benefits of said act to companies heretofore chartered, shall not apply to the Company chartered by this act.

Sec. 18. That nothing contained in the four preceding sections, shall be so construed as to exempt said Company from complying with any of the conditions prescribed by said general act for the benefit of railroad companies in the State.

Sec. 19. That said Company shall have completed, equipped and in good running order, twenty-five miles of said road, on or before the first day of January, 1863, and twenty-five miles additional every two years thereafter, until the same is completed, and should the said Company fail to complete the first twenty-five miles as above designated, this charter may be repealed, and the rights of the Company declared forfeited.

Sec. 20. That whenever said corporation shall have procured the right of way as herein provided, they shall have the sole use and occupation for the purposes aforesaid only, and no persons, body politic or corporate, shall in any way interfere with, molest, disturb or injure said corporation in any of the rights and privileges herein granted.

Sec. 21. That the stockholders in said corporation, shall be liable in a just ratio or proportion to the amount of their stock

held or subscribed, for all debts incurred or created during said ownership of said stock, to the full amount of stock subscribed by such person, and in case of a sale or transfer of said stock from the original subscription, it shall not release the original in his just proportion, for any debt or debts incurred or created during his, her or their possession of said stock.

Sec. 22. That said corporation may receive by gift, grant or bequest, made in writing, by any person capable in law of contracting, made in consideration of such location of said road, and for the benefit of said corporation, lands, money, labor or any kind of materials or other property, and all such gifts and grants shall be binding, and the said corporation shall have their action at law, or in equity to compel a compliance therewith: provided, that no such contracts, relinquishment, gifts, grants or bequests shall be binding, unless the same be in writing and signed by the party making the same.

Sec. 23. That this act of incorporation shall continue ninety years, unless sooner forfeited or repealed, and that this act take effect and be in force from and after its passage.

Approved 14th February, 1860.

CHAPTER 249.

An Act to require the District clerks in the second Judicial District to apportion the causes on their dockets.

Section 1. Be it enacted by the Legislature of the State of Texas, That the District clerks of the several counties composing the second Judicial District shall apportion the causes on their dockets for certain days of the court, at least ten days prior to the court, and witness in causes pending, shall be subpoenaed for that day for which the cause is set, and remain until discharged.

Sec. 2. That this act take effect and be in from and after its passage.

Approved 14th February, 1860.

CHAPTER 250.

An Act supplemental to an act to consolidate in one act and amend the several acts incorporating the city of Galveston.

Section 1. Be it enacted by the Legislature of the State of Texas, That whenever the owners of one-half of the lots or parts of lots fronting on any street, shall present a petition to the Mayor and Board of Aldermen of the city of Galveston, praying that such street or part thereof may be improved and shelled, and setting forth that they are willing to pay one-third of the cost of improving and shelling such street or part of street in front of their lots or parts of lots, the Mayor and Board of Aldermen shall have the power and authority to improve and shell the same, and shall assess one-third of the cost of such improvement and shelling upon the lots or parts of lots on either side of the street in front of which said improvement and shelling is done; and may recover the same from the owner or owners thereof, in such manner as shall be provided for by ordinance, and in any case where the owner or owners of any lot or a part of a lot, shall be a non-resident, it shall, and may be lawful to serve all necessary process, notices or citations upon his or her agent, if he or she shall have any known agent, and if there shall be no known agent resident in said city, then by publication of such notice or citation, in one of the newspapers published in said city for the space of two calendar months, and such service upon the agent or by publication shall in all cases be equivalent to personal service, and all expenditures made by said city council or Mayor and Board of Aldermen, or under their authority, in the improving and shelling streets under this act, and assessed on lots or parts of lots, shall be, and constitute a charge and lien upon said lots or parts of lots, till the amount thereof, with interest thereon at ten per centum per annum be fully paid and discharged: provided that the statement of the claim of the city upon such lot or part of lots, signed by the Mayor, and countersigned by the Secretary, be filed and recorded in the clerk's office of the County Court of Galveston county: provided, further, that the other third of the cost of such improvement and shelling of any street shall be at the expense of the city.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved 15th February, 1860.

CHAPTER 251.

An Act to grant land to N. G. Shelley, W. H. Carrington and William Alexander.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and is hereby required to issue to N. G. Shelley, two certificates for three hundred and twenty acres of land each, and to W. H. D. Carrington, two certificates of three hundred and twenty acres each, and to William Alexander four certificates, for three hundred and twenty acres of land each, which may be located, returned and patented as other certificates: provided, that the said Shelley, Carrington and Alexander shall, after the acceptance of said certificates, have no further claim against the State for services, rendered as attorneys in the case of the Houston Tap and Brazoria Railroad Company against C. H. Randolph, Treasurer, for a mandamus in the District Court of Travis county and in the Supreme Court.

Approved 14th February, 1860.

CHAPTER 252.

An Act to restore George W. Bates to his civil rights.

Section 1. Be it enacted by the Legislature of the State of Texas, That George W. Bates be, and he is hereby restored to and reinvested with all his civil rights, capacities and privileges as a citizen of the State of Texas.

Sec. 2. That this act be in force and take effect from and after its passage.

Approved 15th February, 1860.

CHAPTER 253.

An Act in relation to the location, survey and patenting of the lands granted by the State to the Galveston and Brazos Navigation Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That it shall be lawful for the Galveston and Brazos Navi-

gation Company or its assignees to locate and survey the land certificates heretofore granted and issued to said Company by the State, in the same manner as is provided by the act of the present session of the Legislature, amendatory of the third section of the act of January 30th, 1854, entitled, "an act to encourage the construction of railroads in Texas, by donations of land," and when such certificates are so located and surveyed, patents shall be issued on such surveys to said Company or its assignees.

Sec. 2. This act shall take effect and be in force from and after its passage

Approved 11th February, 1860.

CHAPTER 1.

Joint Resolution for the relief of four clerks in the Comptroller's office.

Section 1. Be it resolved by the Legislature of the State of Texas, That a sufficient amount of money be, and is hereby appropriated to pay (at the rate they were heretofore paid) the two clerks continued by the Comptroller to assist in the unfinished business of the Court of Claims, and the two clerks whose appropriation expired on the 16th of October last, until the 1st February, next.

Approved December 1st, 1859.

CHAPTER 2.

Section 1. Be it resolved by the Legislature of the State of Texas, That the Governor of the State is hereby authorized to procure the restoration to his parents, of a certain boy named William Horster, who was stolen during last summer by the Indians, and is now in the possession of Christopher Carson, Indian Agent of the Utah Agency.

Sec. 2. That the sum of five hundred dollars or so much thereof as may be necessary, is hereby appropriated out of any

money in the Treasury not otherwise appropriated, to carry into effect the provisions of the first section of this joint resolution, and that the said Governor be authorized to draw the amount aforesaid, or so much thereof as may be necessary.

Sec. That this joint resolution take effect from its passage.

Approved 7th January, 1860.

CHAPTER 3.

Joint Resolution instructing our Senators and requesting our Representatives to use their influence to procure the incorporation of Capt. John G. Tod of the late navy of Texas, into the navy of the United States.

Whereas, the officers of the late navy of Texas, having signed a full relinquishment and renunciation for further compensation and position in the navy of the United States, under the act of Congress of March 3rd, 1857, leaving to Capt. John G. Tod, the only claim upon Congress for a continuation of his rank in the navy of the United States, and,

Whereas, it is the opinion of this Legislature, that Capt. John G. Tod of our late navy, by a liberal and just construction of the terms of annexation, should be incorporated into the navy of the United States, in the rank he held previous to, and at the time of annexation, and that he is justly entitled to the same, as well from the construction here claimed, as from the high character with which he sustained the cause of his country during her struggle for independence, therefore,

Section 1. Be it resolved by the Legislature of the State of Texas, That our Senators are hereby instructed and our Representatives in Congress, requested, to use their influence to procure the passage of a law by the Congress of the United States, incorporating Capt. John G. Tod, of the late navy of Texas, into the navy of the United States, in the rank which he held in the late navy of Texas.

Sec. 2. Be it further resolved, That the Governor be requested to cause copies of this joint resolution to be forwarded to the President of the United States, and to each of the Senators and Representatives in Congress.

Approved 3rd February, 1860.

CHAPTER 4.

Joint Resolution to permit the withdrawal of certificate No. 127 issued by the Board of Land Commissioners of Houston county, to Finess Robertson.

Section 1. Be it resolved by the Legislature of the State of Texas, That upon the requisition of the Judge of the twentieth Judicial District of the State of Texas, the Commissioner of the General Land Office is required to permit the withdrawal of the original certificate No. 127, issued by the Board of Land Commissioners of Houston county on the first day of March, 1838 to Finess Robertson for the purpose of being used as evidence in the case of a cause now pending in District Court of Montague in the of Warren L. Underwood vs. S. W. March: Provided, a copy of said certificate shall be retained in the General Land Office, and the original shall be returned to that office after the termination of said suit.

Sec. 2. That this resolution shall take effect and be in force from and after its passage.

Approved 8th February, 1860.

CHAPTER 5.

Joint Resolution.

Section 1. Be it resolved by the Legislature of the State of Texas, That our Senators and Representatives in Congress be requested to use their influence to obtain the passage of an act of Congress, appointing a mail stage route from the city of Austin to some point on the Overland Mail Stage route, from St. Louis to El Paso, so as to connect Austin and El Paso, in a route affording mail facilities: provided, nothing herein contained shall be so construed as to express a desire to change any of the existing established routes.

Sec. 2. That the Governor be requested to forward a copy of this joint resolution to each of our Senators and Representatives in Congress, and that this resolution take effect from and after its passage.

Approved 9th February, 1860.

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STATE OF TEXAS.

I, E. W. Cave, Secretary of State of the State of Texas, certify, that the session of the eighth Legislature of said State, commenced, at the city of Austin, on Monday the seventh day of November, in the year one thousand eight hundred and fifty-nine, and adjourned on Monday the thirteenth of February, in the year one thousand eight hundred and sixty.

And I further certify that the Acts and Joint Resolutions, contained in this volume, are true copies, taken from the original rolls deposited in the Department of State, with which they have been carefully compared.

Given under my hand and official seal, the 26th day of April, in
[L. s.] the year one thousand eight hundred and sixty.

E. W. CAVE,
Secretary of State.

LAWS
OF
THE EIGHTH LEGISLATURE
OF
THE STATE OF TEXAS
EXTRA SESSION

BY AUTHORITY

AUSTIN
1861

22—VOL. V.

GENERAL LAWS.

CHAPTER I.

An Act making an appropriation for the mileage and per diem pay of the Members, and the per diem pay of the Officers, of the extra session of the Eighth Legislature.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of forty thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of any money in the Treasury not otherwise appropriated, for the mileage and per diem pay of the Members, and the per diem pay of the officers, of the extra session of the Eighth Legislature of the State of Texas; and the Certificate of the Secretary of the Senate, and the Chief Clerk of the House of Representatives, shall be authority for the Comptroller to draw his warrant on the Treasurer for the several amounts that the Members and officers may be respectively entitled to.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved January 24, 1861.

CHAPTER II.

An Act in relation to the procurement of money due by the United States to the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That it is hereby made the duty of Clement R. Johns.

the Comptroller of Public Accounts of this State, to proceed without delay to the city of Washington, with proper vouchers duly authenticated, and receive from the Secretary of the Treasury, or other proper authority of the Government of the United States, all money now undrawn by this State, which has been appropriated by the Congress of the United States to the State of Texas. And said Comptroller shall, on the receipt of such money, in behalf of the State of Texas, give all proper receipts therefor; and shall immediately transport the same to the city of Austin, and deposit it in the Treasury of this State.

Sec. 2. That all the necessary expenses of said Comptroller in procuring and transporting said money, as provided in this act, shall be paid out of the Treasury of the State: and the sum of one thousand dollars, or so much thereof as may be necessary, is hereby appropriated for the purpose of carrying into effect the provisions of this act, and that this act take effect and be in force from and after its passage.

Passed January 25, 1861.

CHAPTER III.

An Act to define the time of holding Courts in the Nineteenth Judicial District.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Districts Courts of the Nineteenth Judicial District shall hereafter be held as follows:

In the county of Bell on the first Mondays in March and September in each year, and may continue in session two weeks.

In the county of Coryell on the third Mondays after the first Mondays in March and September, and may continue in session one week.

In the county of Hamilton on the fourth Mondays after the first Mondays in March and September, and may continue in session one week.

In the county of Comanche on the fifth Mondays after the first Mondays in March and September, and may continue in session one week.

In the county of Palo Pinto on the sixth Mondays after the first Mondays in March and September, and may continue in session one week.

In the county of Erath on the seventh Mondays after the first

Mondays in March and September, and may continue in session one week.

In the county of Bosque on the eighth Mondays after the first Mondays in March and September, and may continue in session one week.

In the county of McLennan on the ninth Mondays after the first Mondays in March and September, and may continue in session until the business is disposed of.

Sec. 2. That all writs and process of all kinds that have been or may be hereafter issued from the District Courts of the counties mentioned in this act, shall be returnable to the terms of said Court as established by this act, and all such writs and process shall have the same force and effect in law as if they had originally been so returnable.

Sec. 3. That all laws and parts of laws conflicting with this act are hereby repealed, and this act shall take effect from and after its passage.

Approved January 26, 1861.

CHAPTER IV.

An Act to give additional time for the holding of the Courts in the Twentieth Judicial District, and to Change the time of holding Courts in certain Counties in said District.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Courts shall be held in the Twentieth Judicial District in each year, as follows: In the county of Collin, on the first Mondays in February and August, and may continue in session three weeks. In the county of Denton, on the third Mondays after the first Mondays in February and August, and may continue in session two weeks. In the county of Wise, on the fifth Mondays after the first Mondays in February and August, and may continue in session one week. In the county of Jack, on the sixth Mondays after the first Mondays in February and August, and may continue in session one week. In the county of Young, on the seventh Mondays after the first Mondays in February and August, and may continue in session one week. In the county of Throckmorton, on the eighth Mondays after the first Mondays in February and August, and may continue in session one week. In the county of Archer, on the ninth Mondays after the first Mondays in February and August, and may

continue in session one week. In the county of Clay, on the eleventh Mondays after the first Mondays in February and August, and may continue in session one week. In the county of Montague, on the twelfth Mondays after the first Mondays in February and August, and may continue in session one week. In the county of Cooke, on the thirteenth Mondays after the first Mondays in February and August, and may continue in session two weeks. In the county of Grayson, on the fifteenth Mondays after the first Mondays in February and August, and may continue in session three weeks.

Sec. 2. That all writs and process that have been, or may hereafter be issued from any of the District Courts of the counties mentioned in this act, and made returnable to any of the terms of said Courts under the laws now in force, and all bonds and recognizances that have been, or may hereafter be, made returnable to said Courts, shall be returned to the terms specified in this act, and shall have the same force and effect as if the same had been so originally returnable.

Sec. 3. That so much of the act entitled "An act to amend the second section of an act to create the Twentieth Judicial District of the State of Texas," approved January 21, 1860, as conflicts with the provisions of this act be and the same is hereby repealed.

Sec. 4. That this act take effect and be in force from and after its passage.

Approved 25th January, 1861.

CHAPTER V.

An Act directing how certain funds now in the Treasury shall be applied.

Section 1. Be it enacted by the Legislature of the State of Texas. That nine thousand seven hundred and sixty-eight dollars and sixty-two cents in specie, being part of the proceeds of the sale of the University lands, now in the Treasury; and also the amount of seventeen thousand three hundred and thirteen dollars and thirty cents, being the fund accumulated from deceased estates, in specie, now in the Treasury, shall be applied to the payment of the mileage and per diem pay of the Members, and the per diem pay of the Officers, of the present extra session of the Eighth Legislature, and the contingent expenses

of the same; provided that the amount disbursed under this act shall be hereinafter replaced to the University fund, and the fund for decedents estates, so soon as the amounts so used, or any part thereof, may come into the Treasury from current revenue, not appropriated or set apart for any other use.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved January 29, 1861.

CHAPTER VI.

An Act to reorganize the Eighteenth Judicial District, and regulate the time of holding Courts therein.

Section 1. Be it enacted by the Legislature of the State of Texas, That the counties hereinafter named shall compose the Eighteenth Judicial District, and the District Courts therein shall be held as follows, to-wit:

In the county of Atascosa, on the first Mondays of April and October, and may continue in session three weeks.

In the county of Bandera, on the third Mondays after the first Mondays of April and October, and may continue in session one week.

In the county of Uvalde, on the fourth Mondays after the first Mondays of April and October, and may continue in session two weeks.

In the county of Medina, on the sixth Mondays after the first Mondays of April and October, and may continue in session three weeks.

In the county of Wilson, on the ninth Mondays after the first Mondays of April and October, and may continue in session two weeks.

In the county of Kinney, on the tenth Mondays after the first Mondays of April and October, and may continue in session one week.

In the county of Maverick, on the eleventh Mondays after the first Mondays of April and October, and may continue in session one week.

Sec. 2. That all writs and process that may be issued from any of the District Courts in said District, shall be made returnable to the terms of said Courts, as established by this act.

Sec. 3. That all laws and parts of laws conflicting with this

act be and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved January 31, 1861.

CHAPTER VII.

An Act making an appropriation to pay the mileage and per diem of the Presidential Electors.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of four hundred dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of any unappropriated money in the State Treasury, for the payment of the mileage and per diem pay of T. N. Waul, M. D. Graham, A. T. Rainey and John A. Wharton, for their services as Presidential electors in the year 1860.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved January 31, 1861.

CHAPTER VIII.

An Act to reorganize the Sixteenth Judicial District, and to define the time of holding Courts therein.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Sixteenth Judicial District of the State of Texas, shall hereafter be composed of the counties of Ellis, Johnson, Parker, Tarrant, Dallas, Kaufman and Van Zandt.

Sec. 2. The District Courts shall be held twice in each year, in said District, as follows:

In the county of Ellis, on the first Mondays in March and September, in each year, and may continue in session three weeks.

In the county of Johnson, on the fourth Mondays in March and September, and may continue in session two weeks.

In the county of Parker, on the second Mondays after the fourth Mondays in March and September, and may continue in session three weeks.

In the county of Tarrant, on the fifth Mondays after the fourth

Mondays in March and September, and may continue in session three weeks.

In the county of Dallas, on the eighth Mondays after the fourth Mondays in March and September, and may continue in session three weeks.

In the county of Kaufman, on the eleventh Mondays after the fourth Mondays in March and September, and may continue in session two weeks.

In the county of Van Zandt, on the thirteenth Monday after the fourth Mondays in March and September, and may continue in session until the business is disposed of.

Sec. 3. All writs and other process issued from the District Courts of any of the counties named in this act, shall be made returnable to the terms of said Courts as established by this act. And all cases of appeals or writs of Error from the Judgments of District Courts in this District, shall be returnable to the Supreme Court at Austin; except the counties of Kaufman and Van Zandt, which shall be returnable to the Supreme Court at Tyler.

Sec. 4. That this act take effect from its passage.

Approved February 2, 1861.

CHAPTER IX.

An Act supplemental to an act entitled an act, to regulate Estrays.

Section 1. Be it enacted by the Legislature of the State of Texas, That no animal of any description, shall be estrayed, in any county in this State, where the mark and brand of the animal is of record in said county; and it shall be the duty of every person before estraying an animal, to examine the record of marks and brands of the county in which he lives, and if he finds the mark or brand that is upon the animal, he shall not stray the same.

Sec. 2. Any person being guilty of violating any of the provisions of this act, shall be fined in the sum of not less than fifty nor more than one hundred dollars, to be recovered before any Justice of Peace having jurisdiction of same, with costs of suit.

Sec. 3. That this act take effect and be in force from and after its passage.

Approved February 5, 1861.

CHAPTER X.

An Act to provide for the protection of the Frontier of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That the counties of Montague, Jack, Clay, Wise, Young, Parker, Palo Pinto, Johnson, Erath, McLennan, Comanche, Hamilton, Bosque, Coryell, Bell, Lampasas, Brown, San Saba, Llano, Burnet, Gillespie, Bandera, Frio, Uvalde, Mason, Medina, Atascosa, Live Oak, Nueces, Starr, Hidalgo, Cameron, Zapata, Webb, El Paso, Blanco and Kerr, and that all unorganized counties be attached as for Judicial purposes—may each organize a company of Minute Men not to exceed forty in number, (rank and file.)

Sec. 2. That each member of such company, shall be required to keep himself furnished with a suitable horse, gun, navy revolver, at least one hundred rounds of ammunition, ten days provisions, and all necessary equipments, to be ready at any moment when called on to take the field.

Sec. 3. That said Minute Men shall be exempt from poll tax, militia, road, and jury duty, and when in actual service, shall be entitled to one dollar and fifty cents per day, covering all their claims against the State.

Sec. 4. That each company shall be entitled to one Captain, and if numbering twenty men, and less than twenty-eight men to one Lieutenant, and if numbering over twenty-eight men to two Lieutenants, and each company shall be entitled to one Sergeant and one Corporal for every ten men in said company.

Sec. 5. The Chief Justice or County Court, of each county above mentioned, shall cause said men to be enrolled and organized the same by holding elections, and when organized the Captain of each company, shall return a muster-roll certified to by the Chief Justice or County Court of their respective counties, to the Governor of the State, and another copy to the Comptroller.

Sec. 6. The Captain of each company, when engaged in actual service, or business for the company or service, shall be entitled to two dollars and fifty cents per day; and Lieutenants, when similarly engaged, to two dollars per day. No other allowances shall be made to officers or men but the amount stated as "per diem" in this act.

Sec. 7. From each company, a number of spies not exceeding ten men, and one commissioned officer, may be kept in constant service as scouts, and when considered necessary, the officer in

command may call out part or the whole of the company, but no larger number than ten men shall at any one time be entitled to more than twelve days pay, and whenever a call is made, the officer commanding, shall make a correct report of the number of days served by each man, which report shall be certified to by the Chief Justice or the County Court of the county to which such company belongs; that the call was justifiable or necessary from the notice or alarm, which report shall be forwarded immediately by the principal officer to the Governor, with regular reports to be made at least once in every three months.

Sec. 8. The Governor shall have power to direct that the number of spies may be reduced in any county, or the services of the whole number suspended, but the company shall nevertheless retain its organization, and hold itself in readiness for duty whenever the circumstances require it.

Sec. 9. The men called out under the provisions of this act, shall, when in actual service, be governed by the rules and articles of war governing the army of the United States, whenever applicable, and when not in actual service, by such by-laws and regulations as they may make, not being inconsistent with the Constitution or laws of this State.

Sec. 10. That this act take effect and be in force from and after its passage.

Passed February 7, 1861.

CHAPTER XI.

An Act to provide for submitting the Ordinance of Secession to a vote of the People.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Chief Justices, or other county officers required by the directions of the State Convention, and presiding officers of precincts of the several counties of this State, are hereby empowered and required to order and to hold elections in their respective counties, and at their several precincts, on such day or days as may be provided therein, for the ratification or rejection of the Ordinance of Secession passed by a Convention of the people assembled in the city of Austin, on the 1st day of February, A. D. 1861, and conduct said election in all respects according to the existing laws regulating elections for members of the Legislature, and make returns thereof in such manner and to such

persons, and within such time, as may be prescribed by said Convention, under all the penalties prescribed in the laws aforesaid.

Sec. 2. Be it further enacted, That all qualified electors for members of the Legislature of this State shall be entitled to vote at said election, at any precinct in the State, and indicate their approval or disapproval of said ordinance by the use of such terms as may be prescribed by said Convention.

Sec. 3. That this act take effect and be in force from and after its passage.

Passed February 7, 1861.

CHAPTER XII.

An Act to extend the time for the return of Pre-emption Field Notes.

Section 1. Be it enacted by the Legislature of the State of Texas, That the time for the return of Pre-emption Field Notes under the various pre-emption laws, be extended to the first day of January, 1862; provided nothing herein contained shall interfere with vested rights.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved February 7, 1861.

CHAPTER XIII.

An Act to amend the tenth section of an act supplementary to "An Act supplementary and amendatory of an act to regulate Railroad Companies, approved February 7, 1853, approved December 19, 1857, approved 8th February, 1860."

Section 1. Be it enacted by the Legislature of the State of Texas, That the tenth section of "An Act supplementary to an act supplementary and amendatory of an act to regulate Railroad Companies, approved February 7, 1853, approved December 19, 1857, approved 8th February, 1860," be amended so as hereafter to read as follows: Sec. 10. "That the right of way secured or to be secured to any Railroad Company in this State, in the manner provided by law, shall not be so construed as to include

the fee simple estate in lands, either public or private, nor shall the same be lost by the forfeiture or expiration of the charter, but shall remain subject to an extension of the charter, or the grant of a new charter over the same way, without a new condemnation." Provided, however, that no Railroad Company shall have the power, either by its own employees or other persons, to construct any buildings along the line of their railroads to be occupied by their employees, or others, except at their respective depot stations, and at such stations only such buildings as may be necessary for the transaction of their legitimate business operations and for shelter for their employees; nor shall they use, occupy or cultivate any part of the right of way over which their respective roads may pass, with the exception aforesaid, for any other purpose than the construction and keeping in repair their respective railways.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved February 7, 1861.

CHAPTER XIV.

An Act prescribing the order of determining cases in the Supreme Court.

Section 1. Be it enacted by the Legislature of the State of Texas, That the cases on the dockets of the Supreme Court shall be determined in the order in which they stand upon the docket, or have been or may be submitted to the Court, except when continued by consent or to make parties, or for the return of any writ, or in cases which have been heard by two of the Judges only, and they are unable to agree.

Sec. 2. This act shall not apply to criminal cases, nor shall it be construed to interfere with the setting apart particular times for the hearing of causes from particular districts as heretofore.

Sec. 3. This act shall take effect from and after its passage.

Approved February 7, 1861.

CHAPTER XV.

An Act to amend an act entitled an act to organize Justices Courts, and to define the powers and jurisdiction of the same, approved March 20, 1848."

Sec. 1. Be it enacted by the Legislature of the State of Texas, That section fifty-two in said act be so amended as hereafter to read as follows: "A Justice of the Peace may grant a stay of execution on any judgment for money rendered by himself, on a civil suit, for nine months." Provided the person or persons against whom such judgment was rendered shall with one or more good and sufficient sureties, to be approved by such Justice, appear before him and acknowledge themselves and each of them bound to the successful party in such sum as shall secure the amount of the judgment, interest and costs; which acknowledgement shall be entered by the Justice on his docket, and shall have the force and effect of a judgment against the persons making the acknowledgement, upon which execution shall issue for the amount of the original judgment, interest and costs, in case the same shall not be paid, on or before the expiration of such stay. Provided that no such stay shall be granted unless applied for and perfected within ten days after the recovery of the original judgment.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved February 7, 1861.

CHAPTER XVI.

An Act Providing what shall be sufficient prima facie evidence in certain cases in suits brought by the State of Texas

Sec. 1. Be it enacted by the Legislature of the State of Texas, That in every case of delinquency on the part of any officer or agent of this State, and in all cases where such officers or agents fail to pay to the State any money due by them to the State, where suit has been or shall be instituted by the State against such officer or agent on account thereof, a transcript from the books and proceedings of the office of Comptroller of Public Accounts, containing a true statement of accounts be-

tween the State and the party, authenticated under the seal of said office, shall be admitted as prima facie evidence, and the Court trying the cause may thereupon render judgment accordingly; and all copies of bonds, contracts, or other papers relating to or connected with any account between the State of Texas and an individual, sued as aforesaid, when certified by the Comptroller of Public Accounts to be true copies of the originals on file in said office, and authenticated under the seal of said office as aforesaid, may be annexed to such transcripts, and shall have equal validity and be entitled to the same degree of credit that would be due to the original papers if produced and proved in Court; provided that where such suit is brought upon a bond or other written instrument, and the defendant shall plead "non est factum," or by plea under oath deny the execution of such bond or instrument, the Court shall require the production and proof of execution of the original bond, contract, or other paper specified in the plea.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved Feb. 8, 1861.

CHAPTER XVII.

An Act to provide for running the county lines between the counties of Marion, Cass and Titus.

Sec. 1. Be it enacted by the Legislature of the State of Texas, That A. J. Simons be and he is hereby appointed and constituted a Commissioner, under oath, to run and mark the county lines between the counties of Marion, Cass and Titus, in accordance with the provisions of an act approved Feb. 8, 1860, entitled An Act creating the county of Marion, and providing for the holding of the District Courts therein; the said county lines to be run and marked and a copy of the field notes returned to each of the said counties on or before the first day of June next; and when so run, marked, and the field notes thus returned, the same shall be recognized and held valid as the boundary line between said counties of Marion, Cass and Titus, and the said Commissioner shall be entitled to receive the same fees as are allowed by law for surveying the same, to be paid equally by the counties of Marion and Cass, in proportion to the length of the lines in which each are interested.

Sec. 2. That this act take effect and be in force from and after its passage

Approved Feb. 8, 1861.

CHAPTER XVIII.

An Act to reorganize the Seventeenth Judicial District, and define the time of holding Courts therein.

Sec. 1. Be it enacted by the Legislature of the State of Texas, That the seventeenth judicial district shall hereafter consist of the counties of Williamson, Burnet, Llano, Mason, San Saba, Brown and Lampasas, and the District Courts shall be held twice in each year in each of said counties as follows:

In the county of Williamson on the second Mondays in March and September, and may continue in session four weeks.

In the county of Burnet on the fourth Mondays after the second Mondays in March and September, and may continue in session one week.

In the county of Llano on the fifth Mondays after the second Mondays in March and September, and may continue in session one week.

In the county of Mason on the sixth Mondays after the second Mondays in March and September, and may continue in session one week.

In the county of San Saba on the seventh Mondays after the second Mondays in March and September, and may continue in session one week.

In the county of Brown on the eighth Mondays after the second Mondays in March and September, and may continue in session one week.

In the county of Lampasas on the ninth Mondays after the second Mondays in March and September, and may continue in session until the business is disposed of.

Sec. 2. That all process, bonds, recognizances, and process of all kinds, already issued, taken, or made returnable to the terms of said court heretofore established by law, or which may be hereafter so issued, taken or made returnable, shall be considered and taken as made for the terms herein established for said courts, and that this act shall take effect and be in force from and after its passage.

Approved Feb. 8, 1861.

CHAPTER XIX.

An Act Making an appropriation to pay for supplies furnished the troops now on the frontier.

Sec. 1. Be it enacted by the Legislature of the State of Texas, That the sum of twenty-five thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated to pay for supplies furnished, and to purchase supplies for the troops now on the frontier, which appropriation shall be paid out of the United States bonds now in the Treasury, arising from the sales of the University lands; the said bonds to be paid out at their common market value, and the amount so paid shall become a charge against the State, and to be returned to the University fund without interest whenever the condition of the Treasury will allow the same to be done.

Sec. 2. That this act shall take effect and be in force from and after its passage.

Approved Feb. 8, 1861.

CHAPTER XX.

An Act to extend the time for the survey of Railroad certificates heretofore issued.

Sec. 1. Be it enacted by the Legislature of the State of Texas, That the owners of railroad certificates heretofore issued which have not been or which may not be located and surveyed within the time prescribed by law, shall have twelve months further time in which to survey the same.

Approved Feb. 8, 1861.

CHAPTER XXI.

An Act to appropriate money to pay Minute Men for service on the frontier.

Sec. 1. Be it enacted by the Legislature of the State of Texas, That the sum of one hundred thousand dollars, or so much thereof as may be necessary, be and is hereby appropriated out

of any money in the Treasury not otherwise appropriated, for the payment of Minute Men engaged in defence of the frontier during the year 1860, by order of the Governor, and those that may render service under the existing laws during the present year.

Sec. 2. That payments shall be made to the parties entitled thereto by the Comptroller of the State every three months, on pay rolls properly certified, and in case there shall not at any time be a sufficient amount of funds (over and above what may be necessary to defray the ordinary current expenses of the government) to make said payment, then it shall be the duty of the Comptroller, Treasurer and Governor to issue a warrant on the Treasury for such amount, in accordance with existing laws on the subject.

Sec. 3. That this act take effect and be in force from and after its passage.

Approved Feb. 8, 1861.

CHAPTER XXII.

An Act supplemental to an act entitled "An act to provide for submitting the ordinance of secession to a vote of the people," passed at the present session.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Governor be and he is hereby authorized and required to issue forthwith his proclamation for the election provided for in the act to which this is a supplement, directing the vote to be taken and returns to be made in the manner prescribed in said act, and in the ordinance of the Convention on the subject.

Sec. 2. In addition to the returns to be made as provided in the ordinance aforesaid, it shall be the duty of the county officers to whom returns of said election are made, to make returns of their respective counties to the Secretary of State; and such returns shall be filed, and counted by him in the presence of the Governor and Attorney General; any returns received within fifteen days after the second day of March, 1861, shall in like manner be filed and counted, and all such returns shall become a record of the State Department.

Sec. 3. That this act take effect and be in force from and after its passage.

Approved, with a protest against the short time allowed for notice, February 9, 1861.

CHAPTER XXIII.

An Act authorizing Treasury Warrants to be received in payment of certain dues.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Comptroller and Treasurer shall receive Treasury Warrants for money in settlement with any individual indebted to the State, for lands under the different pre-emption laws, or laws authorizing the sale of University lands, or laws providing for the sale of the public domain. Provided, that the Comptroller and Treasurer shall transfer to the credit of the University and common school fund such warrants as may be received in payment for lands appropriated for the university and for common schools, respectively. Which said warrants shall be paid out of any money in the Treasury not necessary to pay other appropriations.

Sec. 2. The Board of School Commissioners are hereby authorized to receive Treasury Warrants in payments of the two per cent. for a sinking fund, payable by railroad companies in whose bonds the special school fund has been, or may hereafter be invested; and said warrants shall be held for the credit of said special school fund in like manner as provided by law for the investment of said sinking fund in State stocks.

Sec. 3. Where Treasury Warrants are tendered under the provisions of this act in payment of any indebtedness, the interest shall be computed and allowed, and where the warrants exceed the indebtedness, the holder shall be entitled to a warrant for the residue.

Sec. 4. That all laws and parts of laws conflicting with the provisions of this act, be and the same are hereby repealed; and that this act take effect and be in force from and after its passage.

Approved February 9, 1861.

CHAPTER XXIV.

An Act supplementary to an act providing for the appointment of Pilots, passed April 7, 1846.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Governor be and he is hereby authorized and

required to appoint, by and with the advice and consent of the Senate, not less than two nor more than four competent persons to act as Pilots in Matagorda and Lavaca Bays, from Pass Cavalla to Indianola and Lavaca, in this State; and the person or persons so appointed shall hold their offices for two years, and until their successors are appointed and qualified in the manner provided for in this act. Before any person appointed under the provisions of this act shall enter upon the discharge of his duties, he shall execute and deliver to the Chief Justice of Calhoun county a bond with two or more good and sufficient sureties, to be approved by said Chief Justice, and payable to the Governor of the State, in the sum of five thousand dollars, conditioned for the faithful performance of the duties of his office, and shall also take and subscribe the oath of office prescribed by the Constitution, which oath shall be indorsed on or annexed to said bond, with the certificate of the officer administering the same, and said bond and oath shall be recorded in the office of the Clerk of the County Court, and deposited therein: and said bond shall not be void on the first recovery, but may be sued on from time, and in the manner of any person or persons injured by a breach thereof, until the whole penalty shall have been recovered.

Whenever a vacancy shall happen in the office of Pilot during the recess of the Senate, the Governor shall have power to make an appointment to fill such vacancy, and the person so appointed shall continue to perform the duties of his office until a successor is appointed and qualified in the manner provided for original appointments.

If any person not appointed a pilot or deputy pilot shall pilot any ship or vessel through the channel of said bays, up or down, the person so piloting shall be liable to any pilot duly licensed, full pilotage, to be recovered by suit before any Justice of the Peace in said county. Each pilot appointed under the provisions may, by writing under his hand, appoint a deputy pilot to discharge his duties; but he shall be responsible for all official acts of such deputy, in like manner as if such act were done by himself. It shall be the duty of the pilot of the aforesaid Bays to keep the channels always properly staked and marked out; and in default thereof they shall be subject to removal or suspension. All vessels that draw five feet of water and more, under this law, shall be subject to pay any licensed pilot half pilotage, who shall hail said vessel and offer his services as pilot, in case said vessel chooses to proceed without a pilot. The rate of pilotage for the Bays aforesaid shall be two dollars and fifty

cents for each foot of water which the vessel draws at the time of piloting. The Governor shall appoint, with the consent of the Senate, or without their consent during its recess, a Board of Commissioners of Pilots for said Bays aforesaid, in accordance with the provisions of the act of which this is a supplement. The duties of the Board of Commissioners and of the pilots not herein enumerated, shall be the same as provided in the original act of April 7, 1846, of which this act is a supplement; and they shall be subject to suspension or removal for the same causes and by similar process.

Sec. 2. That this act shall take effect from and after its passage.

Approved February 9, 1861.

CHAPTER XXV.

An Act to reorganize the Eighth and Twentieth Judicial Districts, and to define the time of holding the District Courts therein.

Section 1. Be it enacted by the Legislature of the State of Texas, That the District Courts in the several counties, comprising the Eighth Judicial District, shall be holden twice in each year, as follows:

Beginning in the county of Cass, on the second Mondays after the first Mondays in February and August, and may continue in session two weeks.

In the county of Bowie, on the fourth Mondays after the first Mondays in February and August, and may continue in session two weeks.

In the county of Red River, on the sixth Mondays after the first Mondays in February and August, and may continue in session three weeks.

In the county of Lamar, on the ninth Mondays after the first Mondays in February and August, and may continue in session two weeks.

In the county of Hopkins, on the eleventh Mondays after the first Mondays in February and August, and may continue in session two weeks.

In the county of Titus, on the thirteenth Mondays after the first Mondays in February and August, and may continue in session two weeks.

In the county of Marion, on the fifteenth Mondays after the first Mondays in February and August, and may continue in session until the business is disposed of.

Sec. 2. That the counties of Hunt and Fannin shall be attached to and become part of the Twentieth Judicial District, and the Courts in said counties shall be held twice in each year, as follows:

In the county of Hunt, on the last Mondays in January and July, and may continue in session one week.

In the county of Fannin, on the eighteenth Mondays after the first Mondays in February and August, and may continue in session two weeks.

Sec. 3. That all writs and process that have been or may hereafter be issued from any of the District Courts of the Eighth Judicial District, and from the District Courts of the counties of Hunt and Fannin, shall be returnable as provided by this act, and all bonds and recognizances that have been or may hereafter be made so returnable, shall be returned to the terms specified in this act, and shall have the same force and effect as if made so originally returnable.

Sec. 4. That all cases of appeal or writs of error from the decisions of the District Courts of the counties of Hunt and Fannin shall be returnable to the branch of the Supreme Court at Tyler, and all laws and parts of laws conflicting with this act be and the same are hereby repealed.

Sec. 5. That this act take effect and be in force from and after first day of July, 1861.

Approved February 13, 1861.

CHAPTER XXVI.

An Act changing the time of holding the District Court in the Ninth Judicial District.

Section 1. Be it enacted by the Legislature of the State of Texas, That the District Courts of the Ninth Judicial District shall hereafter be held as follows:

The District Court of Houston county shall be held on the third Mondays of February and August, and may continue in session three weeks.

The District Court of Cherokee county shall be held on the third Monday after the third Mondays of February and August, and may continue in session five weeks.

The District Court of Anderson county shall be held on the eighth Mondays after the third Mondays of February and August, and may continue in session four weeks.

The District Court of Henderson county shall be held on the twelfth Monday after the third Mondays of February and August, and may continue in session three weeks.

The District Court of Smith county shall be held on the fifteenth Monday after the third Mondays of February and August, and may continue in session until the business is disposed of.

And all writs and other process of every description pertaining to said Courts shall be returned in accordance with the provisions of this act.

Sec. 2. That all laws and parts of laws in conflict with this act be and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved March 19, 1861.

CHAPTER XXVII.

An Act to amend the third section of an act entitled "An Act to regulate the descent and distribution of intestate estates," approved March 18, 1848.

Section 1. Be it enacted by the Legislature of the State of Texas, That section third of "An Act to regulate the descent and distribution of intestate estates," approved March 18, 1848, be and the same is hereby amended so as to read as follows:

There shall be no distinction in regulating the descent and distribution of intestate estates between property which may have been derived by such intestate by gift, devise or descent, from the father, and that which may have been derived by gift, devise or descent from the mother; and all the estate to which such intestate may have had title at the time of death shall descend and vest in the heirs of such person in the same manner as if he or she had been the original purchaser thereof: Provided, however, that if such intestate was the legally adopted heir of another in accordance with "An Act to prescribe the mode of adoption," approved January 16, 1850, and dies leaving no surviving husband or wife and no children, then so much of his or her estate as was obtained by gift, devise or descent, from the person adopting him or her, shall descend to the person and his or her heirs who adopted such intestate.

Sec. 2. That all laws and parts of laws conflicting with this act be and the same are hereby repealed; and this act shall take effect and be in force from and after its passage.

Passed March 20, 1861.

CHAPTER XXVIII.

An Act to provide for the funding of the debt contracted for the protection of the frontier.

Whereas, the State of Texas has incurred an indebtedness under the several laws passed for the protection of the frontier from Indian and Mexican invasion, the liquidation of which should be provided for; therefore,

Section 1. Be it enacted by the Legislature of the State of Texas, That there shall be issued the bonds of the State of Texas for the sum of three hundred thousand dollars, or so much as may be necessary, payable on first day of July, 1871, bearing interest at the rate of eight per cent. per annum, payable on the first days of July and January of every year, for which coupons shall be attached. Said bonds shall be signed by the Comptroller and Treasurer and countersigned by the Governor, and shall be in bonds of one hundred dollars and one thousand dollars.

Sec. 2. The holder of any warrant issued under the laws for the protection of the frontier or for pay for minute men, may present the same to the Comptroller, and have the same exchanged for the bonds by this act authorized to be issued.

Sec. 3. There is hereby set apart and especially pledged for the payment of the interest upon these bonds, and as a fund for the redemption of the principal, one-tenth part of the annual revenue derivable from direct taxes; and for the same purpose there is also hereby especially pledged and set apart all moneys arising from the sales of Indian reserved lands hereafter to be made.

Sec. 4. This act shall take effect and be in force from and [after] its passage.

Approved March 20, 1861.

CHAPTER XXIX.

An Act for the relief of the Memphis and El Paso Railroad Company, and all other railroad companies.

Section 1. Be it enacted by the Legislature of the State of Texas, That that portion of the Memphis, El Paso and Pacific Railroad between the city of Jefferson, in the county of Marion, and Morris's Landing, on Sulphur Fork of Red River, be entitled to receive certificates for land, in number and quantity as follows, to-wit: Whenever it shall be made known to the Commissioner of the General Land Office of this State, by report under oath, from the President and Chief Engineer of said railroad company that any division of five continuous miles is graded and ready for the superstructure of said road, said Commissioner is hereby required to issue to said company, in their corporate name, for each mile thereof, ten certificates for land of six hundred and forty acres each, which certificates, when issued, may be located and patented as other certificates issued to said company, under its charter: Provided, that this act shall not be so construed as to extend to any other portion of said road; nor that it shall be construed to grant any more or any less lands to said division of said road than is now granted under the charter of said road, and under the general railroad laws of this State: Provided, that the provisions of this act shall apply and inure to the benefit of all the railroads in this State, for the distance of forty-five miles, now organized and having an existing bona fide contract for the construction of not less than ten miles.

Sec. 2. That this act take effect and be in force from and after its passage.

Passed March 20, 1861.

CHAPTER XXX.

An Act to prescribe the pay and mileage of the Members, and pay of the Officers, of the State Convention, and to make an appropriation for the same.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Members and Officers of the State Convention shall be entitled to receive the same per diem pay and mileage as Members and Officers of the State Legislature are entitled to

by law, to be paid upon the certificate of the Secretary of the Convention; provided, however, that the Members of the Legislature who are also delegates to the Convention shall not receive any mileage as Members of the Convention.

Sec. 2. That the sum of eighty thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of the annual taxes for 1860, and may be paid by drafts drawn on Assessors and Collectors by the Comptroller of the State.

Sec. 3. That this act take effect and be in force from and after its passage.

Approved March 23, 1861.

CHAPTER XXXI.

An Act supplemental to an act making an appropriation to defray the expenses of the Convention, passed 23d day of March, A. D. 1861.

Section 1. Be it enacted by the Legislature of the State of Texas, That Members of the Convention shall be entitled to receive mileage for the adjourned session of the Convention, and that the same shall be paid out of the appropriation made to defray the expenses of the Convention, and in the manner prescribed in the bill to which this is a supplement.

Sec. 2. That the Comptroller and Treasurer are hereby authorized and required to audit and allow the pay of the Officers of the Convention at the terms and figures allowed and fixed by the Convention for their services: to be paid out of the fund appropriated by the act to which this is a supplement for the pay of the Convention.

Sec. 3. This act shall be in force from and after its passage.

Approved March 29, 1861.

CHAPTER XXXII.

An Act Further regulating proceedings in the District Court.

Section 1. Be it enacted by the Legislature of the State of Texas. That in all suits where service of process has been made by publication, and the defendant has not answered, whenever it

becomes necessary to serve the defendant with any notice of the filing of instruments of writing, or notice to produce deeds or papers, service of such notice may be made at any time after the first day of the term of the Court to which such process has been returned, executed by filing such notice in Court among the papers of the suit at least two days before the trial thereof; and in such suits, whenever it becomes necessary to serve the defendant with notice of the filing of interrogatories, service of such notice may be made at any time after the first day of the Court to which such process has been returned, executed by filing such notice among the papers of the suit at least twenty days before the issuance of a commission to take the answers to such interrogatories.

Sec. 2. The provisions of this act in respect to the service of notices are merely cumulative.

Sec. 3. This act shall take effect from and after its passage.

Approved April 1, 1861.

CHAPTER XXXIII.

An Act to amend the second section of an act to re-organize the Fifteenth Judicial District, and to regulate the time of holding Courts therein.

Section 1. Be it enacted by the Legislature of the State of Texas, That the second section of an act to reorganize the fifteenth judicial district, and regulate the time of holding courts therein, approved February 16, 1858, be amended so as to hereafter read as follows:

Sec. 2. The district courts of the fifteenth judicial district shall commence in Chambers county on the second Mondays in March and September, and may continue in session one week.

In Liberty county on the third Mondays in March and September, and may continue in session two weeks.

In Polk county on the second Mondays after the third Mondays in March and September, and may continue in session two weeks.

In Trinity county on the fourth Mondays after the third Mondays in March and September, and may continue in session two weeks.

In Tyler county on the sixth Mondays after the third Mondays in March and September, and may continue in session two weeks.

In Hardin county on the eighth Mondays after the third Mon-

days in March and September, and may continue in session one week.

In Jefferson county on the ninth Mondays after the third Mondays in March and September, and may continue in session one week.

In Orange county on the tenth Mondays after the third Mondays in March and September, and may continue in session until the business is disposed of.

Sec. 3. That this act take effect from and after the first day of July next.

Approved April 1, 1861.

CHAPTER XXXIV.

An Act to amend the first section of an act entitled "An act to amend the fourth section of the act of May 12, 1846, entitled 'an act to regulate the license and practice of Attorneys and Counsellors at Law,' and to amend the second section of the act of Feb. 11, 1854, entitled 'an act to amend the 9th and 10th sections of an act to regulate the license and practice of Attorneys and Counsellors at Law,'" approved Jan. 24, 1860.

Section 1. Be it enacted by the Legislature of the State of Texas, That the first section of the above entitled act is hereby amended so that the same shall hereafter read as follows, to-wit: Every person admitted to practice law shall, before receiving license, take an oath that he will support the Constitution of this State, that he will honestly demean himself in the practice of the law, and will discharge his duties to his clients to the best of his ability, which oath shall be endorsed upon his license, subscribed by him, and attested by the officer administering the same.

Sec. 2. This act shall be in force from and after its passage.

Approved April 1, 1861.

CHAPTER XXXV.

An Act to fix the time for holding the District Courts in the Seventh Judicial District.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Courts of the Seventh Judicial District shall hereafter begin and be held as follows:

In Walker county on the third Mondays of March and October, and may continue for two weeks.

In Grimes county on the second Monday after the third Mondays of March and October, and may continue for two weeks.

In Montgomery county on the fourth Monday after the third Mondays of March and October, and may continue for two weeks.

In Harris county on the sixth Monday after the third Mondays of March and October, and may continue for five weeks.

In Galveston county on the eleventh Monday after the third Mondays of March and October, and continue until the business is disposed of.

Sec. 2. All writs and process issued or that may be issued prior to the taking effect of this act, shall be held and considered as returnable to the terms as fixed in this act.

Sec. 3. That this act shall take effect from and after the first day of August next, and all laws in conflict herewith are hereby repealed.

Approved April 1, 1861.

CHAPTER XXXVI.

An Act to define the line between Bell and Milam Counties.

Section 1. Be it enacted by the Legislature of the State of Texas, That the boundary line between the counties of Bell and Milam shall hereafter be as follows: Beginning on the northern line of Williamson county at a point S. 19° W. from the southeast corner of the Jesse Mumford league; thence N. 19° E. to said corner, and with said Mumford's east line to Little River. and in the same course to a point S. 60° W. from the southwest corner of Falls county, as now established; thence N. 60° E. to the southwest corner of Falls county: Provided, that if said first named line should strike the line running S.

60° W. from the corner of Falls county, before reaching Little River, the corner shall be made at such point of intersection; and the line run therefrom N. 60° E. to said corner of Falls county.

Sec. 2. That George Green, of Milam county, and R. P. Bigham, of Bell county, are hereby appointed Commissioners and Surveyors to run and mark said line in accordance with the boundaries hereby established, each of whom shall be paid by his respective county the usual fees for similar work and ten dollars additional for mileage, making out duplicate field notes of the work, and having the same duly authenticated and recorded in the office of the County Clerk of his county. Said line shall be run within ninety days after the passage of this act, which shall take effect from and after its passage.

Approved April 4, 1861.

CHAPTER XXXVII.

An Act to provide for running the County lines between the counties of Marion, Cass and Titus.

Section 1. Be it enacted by the Legislature of the State of Texas, That Isaac A. Clare be and he is hereby appointed and constituted a commissioner, under oath, to run and mark the county lines between the counties of Marion, Cass and Titus, in accordance with the provisions of an act approved February 8, 1860, entitled "An Act creating the county of Marion, and providing for the holding of the District Court therein." The said county lines to be run and marked, and a copy of the field notes returned to each of the said counties on or before the first day of June next, and when so run, marked and the field notes thus returned, the same shall be recognized and held valid as the boundary line between said counties.

And the said commissioner shall be entitled to receive the same fees as are allowed by law for surveying. The same to be paid equally by the counties of Marion and Cass, in proportion to the length of the lines in which each are interested. And that an act to provide for running the county lines between the counties of Marion, Cass and Titus, approved February 8, 1861, be and the same is hereby repealed, and this act take effect from its passage.

Approved April 4, 1861.

CHAPTER XXXVIII.

An Act to attach the county of Wichita to the county of Clay, so as to form one land district.

Section 1. Be it enacted by the Legislature of the State of Texas, That the county of Wichita be and the same is hereby attached to the county of Clay, so as to form one land district; and the laws in conflict with this act be and the same are hereby repealed.

Sec. 2. That all legally performed business of the Surveyors of said territory, in the district to which they now belong, shall be valid until the necessary and legal transcripts are obtained for the district created by this act; and that this act take effect from and after its passage.

Approved April 4, 1861.

CHAPTER XXXIX.

An Act to authorize the county courts of the several counties to transfer portions of the jury fund to the general county fund.

Section 1. Be it enacted by the Legislature of the State of Texas, That the county courts of the several counties may at any time, by order made and entered in the records of the county court at any regular term of such court, transfer from the jury fund to the general county fund of such county any portion of the jury fund in the Treasury of the county, over and above such sum as may be necessary to pay the jury expenses of the next succeeding term of the District Court of such county, and the like expenses previously due from said fund; and the fund so transferred shall be subject to appropriation and use by said court, in like manner as other county funds.

Sec. 2. This act shall be in force from and after its passage.

Approved April 4, 1861.

CHAPTER XL.

An Act to attach the county of Edwards to the county of Uvalde, for judicial and other purposes, until organized.

Section 1. Be it enacted by the Legislature of the State of Texas, That the territory comprising the county of Edwards

shall be considered attached [to] and part and portion of the county of Uvalde, for all judicial purposes, until it shall have been organized under the law creating it, and that the county and district courts of the county of Uvalde shall have full and entire jurisdiction over the county of Edwards until such organization.

Sec. 2. That the Assessor and Collector of the county of Uvalde is authorized and required to assess and collect the taxes, both State and county, from all persons (and on all property subject to taxation,) living in the county of Edwards, the same as if they were citizens of the said county of Uvalde; provided, that the taxes for the year 1861 shall be assessed and collected under the law heretofore in force.

Sec. 3. That this act take effect and be in force from and after its passage.

Approved April 4, 1861.

CHAPTER XLI.

An Act to supply deficiencies in former appropriations for frontier protection, and to provide for future expenses.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of one hundred thousand dollars be and is hereby appropriated to supply deficiencies in former appropriations for any kind of services recognized by law for the protection of the frontier, or for any service to be hereafter performed under the authority of law.

Sec. 2. That the appropriation made by an act approved Feb. 8, 1861, for minute service, shall also be applied for the payment of any service rendered on the frontier in conformity with law.

Sec. 3. That this act go into effect from and after its passage.

Approved April 5, 1861.

CHAPTER XLII.

An Act to change the boundary line between the counties of Goliad and Victoria.

Section 1. Be it enacted by the Legislature of the State of Texas, That the boundary line between the counties of Goliad and Victoria shall hereafter be as follows: Beginning at the present corner of said counties, on the North bank of the San Antonio river; thence running in a straight line to the mouth of the Perdido creek.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved April 5, 1861.

CHAPTER XLIII.

An Act to amend an act to amend the 4th, 7th, 8th, 15th, 18th and 34th sections of an act to provide for the assessment and collection of taxes; approved Feb. 11, 1850—approved Feb. 11, 1860.

Section 1. Be it enacted by the Legislature of the State of Texas, That the 3d section of said act amending the 8th section of the act of 11th Feb., 1850, be so amended as hereafter to read as follows: That each person being a resident citizen of this State, owning or claiming surveyed lands situated in any other county than that in which he resides, may render the same for assessment to the Assessor and Collector of the county where he resides, in the same manner as other property, together with a full and complete description thereof, and the name of the original grantee, its number on the abstract, and all Railroad and Canal Companies, and Colonization Companies, and all other persons residing beyond the limits of the State, may in like manner render the same for assessment to the Assessor and Collector of any county in the State; provided, that nothing herein contained shall be so construed as to prevent non-residents, or persons who own lands situated in other counties than those in which they reside, from giving them in for assessment in the county in which they are situated, as other citizens of such county. That any Assessor and Collector who shall fail or neglect to discharge the duties required of him by the 2d section

of this act, shall forfeit the sum of fifty dollars for each case of such failure or neglect, to be recoverable before any Justice of the Peace of the county in which such Assessor and Collector resides; and the informer shall be entitled to one half of such forfeiture, and the other half shall be paid into the county Treasury.

Sec. 2. That this act shall take effect on the assessments of the present year, and be in force from and after its passage.

Approved April 6, 1861.

CHAPTER XLIV.

An Act concerning contested elections of Judges of the District Courts.

Section 1. Be it enacted by the Legislature of the State of Texas, That the record upon an appeal, or writ of error, taken from the judgment of any one of the District Courts of this State, in any case involving the contest of an election of any District Judge, shall be made up, and the transcript for the Supreme Court prepared, as soon as practicable, and shall be returnable, forthwith, to the said Supreme Court, at either of the three terms, held annually, without reference to which of said terms it would be returnable, under the general law, in order that said appeal or writ of error may be tried as speedily as possible by the said Court, at the place it may be holding its sessions at the time; or if not in session, or about to adjourn, at the session of said Court next ensuing, wherever held; provided, however, that any case which may be now pending in any county from which causes generally are returned to the Supreme Court at Galveston, shall be returned to the next term of said Court, to be holden in the city of Austin.

Sec. 2. The clerks of the District Courts shall not allow either party to control the record in any case of contested election, referred to in this act, but shall transmit it as soon as completed to the clerk of the Supreme Court, who shall expedite it to the proper term. On receipt of such record the Supreme Court shall allow reasonable time for argument, by brief and otherwise, after which it shall proceed to dispose of the case, as entitled, from its public character, to preference in time over ordinary cases, and the trial and disposition of such cases shall proceed without reference to the rules established by law, fixing

the order in which particular districts, or the causes from the same, shall be taken up, tried or decided; the object of this act being to require as speedy a trial and determination of such cases as is consistent with justice.

Sec. 3. This act take effect and be in force from and after its passage.

Approved April 6, 1861.

CHAPTER XLV.

An Act in relation to the School Fund derivable from taxation, under the provisions of the second section of the tenth article of the Constitution of the State.

Section 1. Be it enacted by the Legislature of the State of Texas, That hereafter the entire amount of the one-tenth of the annual revenue derivable from taxation, and appropriated as a school fund, under the provisions of the second section of the tenth article of the Constitution of the State, shall be annually applied and distributed for the support of schools, under the provisions of the several laws providing for the establishment and support of public schools, in the same manner as is or may be provided for the distribution of the interest accruing on the special school fund.

Sec. 2. That the provisions of all laws, so far as they conflict with this act, are hereby repealed, and this act shall be in force from and after its passage.

Approved April 6, 1861.

CHAPTER XLVI.

An Act to apportion the State of Texas, and to regulate the election of Members of Congress.

Section 1. Be it enacted by the Legislature of the State of Texas, That the State of Texas be and is hereby divided into six Congressional Districts, as follows:

1. Calhoun, Refugio, Bee, San Patricio, Nueces, Cameron, Hidalgo, Starr, Zapata, Webb, Encinal, Duval, Live Oak, McMullin, La Salle, Dimmit, Maverick, Zavala, Frio, Atascosa,

Goliad, Victoria, DeWitt, Karnes, Gonzales, Guadalupe, Wilson, Bexar, Medina, Uvalde, Dawson, Kinney, Bandera, Comal, Hays, Blanco, Kerr, Edwards, Gillespie, Kimble, Llano, Mason, Menard, San Saba, McCulloch, Concho, Presidio and El Paso counties, shall compose the first Representative District, and elect one Representative to Congress.

2. Caldwell, Jackson, Matagorda, Wharton, Lavaca, Colorado, Fayette, Bastrop, Travis, Burnet, Lampasas, Bell, Brazoria, Fort Bend, Austin, Washington, Burleson, Williamson and Milam counties, shall compose the second Representative District, and shall elect one Representative to Congress.

3. Galveston, Harris, Montgomery, Grimes, Walker, Leon, Madison, Brazos, Robertson, Limestone, Freestone, Navarro, Ellis, Falls, McLennan, Coryell, Bosque, Hill, Comanche, Hamilton, Johnson, Erath, Eastland, Brown, Coleman, Runnels, Callahan and Taylor counties, shall compose the third Representative District, and shall elect one Representative to Congress.

4. Sabine, Shelby, Panola, Angelina, Nacogdoches, San Augustine, Polk, Tyler, Jasper, Newton, Orange, Hardin, Liberty, Jefferson, Chambers, Cherokee, Trinity, Houston and Anderson counties, shall compose the fourth Representative District, and shall elect one Representative to Congress.

5. Harrison, Upshur, Rusk, Wood, Smith, Van Zandt, Henderson, Kaufman, Dallas, Tarrant, Parker, Palo Pinto, Buchanan, Shackelford and Jones counties, shall compose the fifth Representative District, and shall elect one Representative to Congress.

6. Bowie, Cass, Marion, Red River, Titus, Lamar, Hopkins, Fannin, Hunt, Collin, Grayson, Cook, Denton, Montague, Wise, Clay, Jack, Young, Throckmorton, Haskell, Hardeman, Wilbarger, Wichita and Greer counties, shall compose the sixth Representative District, and shall elect one Representative to Congress.

Sec. 2. That an election shall be ordered to be held on the first Monday in August, 1861, and every two years thereafter, for Representatives to Congress from each of said districts, and the returns of the election from each of said Representative Districts shall be made to the Secretary of State by the Chief Justices of the various counties, who shall open and compare the returns, and give a certificate of election to the person receiving the highest number of votes; provided, that if the Congress of the Confederate States shall fix another day for the election, then the election shall be held upon the day so fixed.

Approved April 6, 1861.

CHAPTER XLVII.

An Act Prescribing the manner of authenticating instruments for record.

Section 1. Be it enacted by the Legislature of the State of Texas, That the proof of every instrument of writing for record shall be taken by some one of the following officers: First, when acknowledged or proven within the State before some Notary Public, Clerk of the County Court, or Judge of a Court of Record; second, when acknowledged or proven without this State and within the Confederate States of America, or their territories, or the United States of America, or their territories, before some Judge of a Court of Record having a seal; third, when acknowledged or proven without the United States, or Confederate States, before some public Minister, Charge d'Affairs or Consul of the Confederate States: And in all cases the certificate of such acknowledgment or proof shall be attested under the official seal of the officer taking the same.

That when any deed, transfer or other instrument of writing executed by the president of any railroad company, which has or may be incorporated by the laws of this State, shall be attested by the seal of said company, it shall be considered sufficiently authenticated to authorize the Clerk of the County Court to record the same.

Sec. 2. That the provisions of all laws so far as they conflict with this act be and they are hereby repealed.

Sec. 3. That this act take effect and be in force from and after its passage.

Approved April 6, 1861.

CHAPTER XLVIII.

An Act supplemental to an act making an appropriation for the per diem pay and mileage of the members and officers of the Convention.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Comptroller and Treasurer be authorized to audit and allow out of the fund appropriated by the act to which this is a supplement, the following contingent expenses of the Convention, viz: Hire of three clerks in copying ordi-

nances of Convention, for the Legislature, five dollars each, amounting to fifteen dollars; George G. Simcox for enrolling the Ordinance of Secession on parchment, twenty dollars; porter hire, three negroes, (\$25 50 each) seventy-six dollars and fifty cents; recording the journals of the Convention for deposit in the office of the Secretary of State, in pursuance of an ordinance of the Convention, or so much thereof as may be necessary, at fifteen cents per hundred words, five hundred and fifty dollars, to be paid after the recording shall have been completed and deposited in the office of the Secretary of State: For printing done for the Convention or by its authority, the sum of three thousand dollars, or so much thereof as may be necessary, the same to be audited and paid for at the same rate as is by law provided for similar printing for the State. Amount to be paid W. L. Ohalmers for assistant services as Secretary to the Convention, forty dollars.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved April 6, 1861.

CHAPTER XLIX.

An Act supplemental and amendatory of the act creating the County of Kaufman, approved February 26, 1848.

Section 1. Be it enacted by the Legislature of the State of Texas, That the south boundary line of Kaufman county and the north boundary of Henderson county shall hereafter run as follows. to-wit: Beginning at the point where said boundary line crosses Cedar Creek, and run thence down said Cedar Creek to the mouth of Twinn Creek; thence due west to the Trinity river; thence up said river to the point where said original boundary line corners on said river; and that the territory thus described be and the same is hereby attached to and made a part of the county of Kaufman.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved April 6, 1861.

CHAPTER L.

An Act to amend the "act supplemental to An Act to regulate estrays," approved 5th February, 1861.

Section 1. Be it enacted by the Legislature of the State of Texas, That the first section of the above recited act be amended so that the same shall hereafter read as follows: Section 1, That no animal of any description shall be estrayed in any county in this State where the mark and brand of the animal is of record in said county, unless the person who claims the mark and brand recorded shall be notified and disclaim the ownership of the animal; and it shall be the duty of every person before estraying an animal to examine the record of marks and brands of the county in which he lives, and he shall show by his affidavit filed in order to stray any animal, that the same is subject to be estrayed, and that he has complied with the requisitions of the law.

Sec. 2. This act shall take effect from and after its passage.

Approved April 6, 1861.

CHAPTER LI.

An Act authorizing a loan and imposing a specific tax, to meet the principal and interest thereof, under the provisions of the 33d section of the 7th article of the Constitution of the State.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Governor of the State shall cause to be executed the bonds of the State for the sum of one million of dollars in sums of one thousand dollars each, redeemable in sixteen years, and bearing interest at the rate of eight per centum per annum, payable semi-annually; with coupons for the semi-annual interest attached, payable on the first day of July and first of January, of each year. The bonds shall be signed by the Governor and Treasurer, and shall be registered by the Comptroller, who shall certify the fact of such registration on the back of the bonds, and the coupons shall be signed by the Treasurer. The bonds and coupons shall be payable at some bank in the city of New Orleans, in the State of Louisiana.

Sec. 2. The Governor shall appoint an agent to negotiate the

sale of said bonds from time to time, and to place the proceeds of such sales in some bank in the city of New Orleans, to be subject to the order of the Comptroller of the State, and by him to be placed in the State Treasury. Said agent shall be governed in his negotiations by the instructions of the Governor.

Sec. 3. The proceeds of the sales of said bonds shall be applied to the following objects, and no other purpose whatever: To the payment of all indebtedness of the State created for the defence of the frontier, and to the payment of appropriations which have been or may hereafter be made for the military defence of the State. To the repayment of all the disbursements made from the Treasury or anticipated from the accruing revenue of the State, or from any special fund or funds in the State Treasury to meet appropriations to pay the expenses of the State Convention, and of the extra and adjourned sessions of the eighth Legislature.

To the payment of all appropriations made to meet the debts created or incurred by authority of the State Convention, and to meet any deficit in appropriations made to meet the expenses of said convention, and of the expenses of the extra and adjourned sessions of the eighth Legislature.

To the payment of any deficit in the appropriations made to meet the ordinary expenses of the Government for the year 1861, arising from the anticipation of the revenue to meet extraordinary demands.

Sec. 4. There shall be levied and collected, to pay the interest on said bonds as they fall due, and to pay and discharge the principal thereof, a specific, direct annual ad valorem tax of four cents upon each hundred dollars value of property real and personal in this State (except such property as is now exempt by law from taxation), which tax shall be levied and collected by the same persons, and at the same time and in the same manner as is or may hereafter be provided by law for the collection of the direct ad valorem State tax, to meet the ordinary expenses of the State government, and all laws now, or which may be hereafter, in force in this State for the levying and collection of the other direct State taxes for the use of the State, shall also apply to the levying and collection of the specific direct annual ad valorem tax of four cents upon each hundred dollars value of property, real and personal, as authorized by this act. No part of the specific tax authorized by this section shall be appropriated to any other purpose whatever, but exclusively to the payment of the principal and interest of the loan specified in this act.

Sec. 5. For the payment of the principal and interest of said bonds, the faith of this State is pledged, in addition to the specific tax herein specified and pledged.

Sec. 6. The specific tax imposed by this act shall remain in force and be irrepealable, and be annually collected, until the proceeds thereof shall have made full provision to pay and discharge the principal and interest bonds provided for by this act. Provided, that whenever the State shall have retired and canceled one-fourth of this issue of one million dollars of bonds, it shall be the duty of the Comptroller of the State to decrease the specific tax herein provided for one cent on the one hundred dollars of the value of the real and personal property assessed; and upon the retiring of each additional sum of two hundred and fifty thousand dollars of this issue of bonds, one cent on the one hundred dollars of said specific tax shall be taken off.

Sec. 7. The money realized by the specific tax provided for in this act shall be applied first to the payment of the interest coupons maturing upon this issue of bonds, and the residue shall be deposited in the State Treasury and constitute a special sinking fund for the redemption of the principal of said bonds.

Whenever fifty thousand dollars of said sinking fund shall have accumulated in the Treasury, it shall be the duty of the Governor to cause the Comptroller and Treasurer to invest said amount in the redemption of said bonds. For which purpose the Comptroller shall give thirty days notice by publication in one newspaper printed in the city of New Orleans, and one in the city of Austin, that he will redeem or purchase said amount of bonds from the lowest bidder, and he shall receive sealed proposals therefor, to be opened by him in the presence of the Governor and Treasurer, and they shall redeem the bonds offered at the lowest rate. Provided, that in no instance shall said officers pay a higher rate for said bonds than ten per centum premium on their par value; and further provided, that in case they can not be purchased at a rate within the limits aforesaid, then the said officers may invest said sinking fund in the bonds of the Confederate States of America: Provided they can be obtained within the same limits as to price. And said Federal bonds shall be placed in said special sinking fund.

Sec. 8. The plate upon which the bonds are engraved shall be returned to the Governor and Comptroller, with the bonds, and shall be by them destroyed.

The agent appointed by the Governor for the purpose herein contemplated may be allowed such reasonable compensation for

his services as shall be agreed upon and established by the Governor, Comptroller and Treasurer, or a majority of them.

Sec. 9. Five thousand dollars, or so much thereof as may be necessary, is hereby appropriated to defray the expenses incurred in carrying out this act.

Sec. 10. The specific tax provided for by this act shall also be imposed on the assessments of the present year.

Sec. 11. That this act take effect and be in force from and after its passage.

Approved April 8, 1861.

CHAPTER LII.

An Act to amend the seventy-first and ninety-second sections of an act to regulate proceedings in the District Courts, approved May 13, 1846.

Section 1. Be it enacted by the Legislature of the State of Texas, That section seventy-first of "an act to regulate proceedings in the District Courts," approved May 13, 1846, be amended so as hereafter to read as follows: Section 71. When a witness in any civil suit resides beyond the limits of the State, either party may take his deposition, by filing interrogatories in the Court where the suit is pending, and serving a notice, with a copy of such interrogatories, upon the opposite party, his agent or attorney, in the same manner as required for the depositions of witnesses residing in the State; and on or after the fifth day of the service of such notice and a copy of the interrogatories, it shall be the duty of the clerk with whom such interrogatories are filed, upon the application of the party filing them, his agent or attorney, to issue a commission, directed to any public officer of any town, city, district, county or State, or other political division of any government beyond the limits of this State, having and using a seal to authenticate their official acts; or to any consul, minister, or secretary of legation of the Confederate States, where it is stated in the notice that such witness resides, requiring such officer, to cause the witness to come before him, and to take his answers to said interrogatories, a certified copy of which shall be annexed to such commission. The commission shall be signed by the clerk issuing it, and sealed with the seal of the court; the officer to whom any such commission is directed, upon the appearance of the witness before

him, shall take his answer to the interrogatories, which shall be reduced to writing and shall be signed and sworn to by the witness, when the officer taking the same shall certify under his hand and seal of office that the answers were signed and sworn to by the witness before him, and seal them up in an envelope with the interrogatories and the commission, with his name across the seal, endorse and direct the envelope in like manner as is required for depositions taken within the State; and all depositions so taken may be returned into court in like manner as depositions taken within the State. And all depositions which have heretofore been taken, or for which commissions have issued beyond the limits of this State in accordance with the provisions of the pre-existing laws, shall be as valid and effectual as if the same had been taken as herein provided. Where depositions are taken in any State or county beyond the limits of the Confederate States, except the United States of America, the official character of the officer taking the same, unless he be an officer of this or the Confederate States, shall be certified to by a minister, secretary of legation, or consul, of the Confederate States, or by the Secretary of State, or some equivalent officer, of the State or country in which such depositions are taken.

Sec. 2. That section 92 of the act aforesaid be so amended as hereafter to read as follows: Sec. 92. That the printed statute books of this State shall be evidence of the private acts therein contained; and the printed statute books of the United States, and of the several States and Territories of the United States and Confederate States, purporting to have been printed under the authority of such governments, or either of them; and a certified copy, under seal of the Secretary of State of this State, of any act or resolution contained in the printed statute books of the United States, or of any State or Territory thereof, or of any State or Territory of the Confederate States, purporting to be printed under the authority of such government, State or Territory; and copies of private bills, certified to by the Secretary of State, and attested by his seal of office, which being deposited in the office of Secretary of State of this State, shall be evidence in like manner.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved April 8, 1861.

CHAPTER LIII.

An Act Supplemental to "an act to apportion the State of Texas, and to regulate the election of Members of Congress."

Section 1. Be it enacted by the Legislature of the State of Texas, That the counties of Archer, Baylor, and Knox, be and they are hereby attached to the sixth district, as fixed by the first section of the act to which this is a supplement.

Sec. 2. That the second section of the act to which this is a supplement shall hereafter read as follows:

Sec. 2. That an election shall be ordered to be held on the first Monday of August, 1861, and every two years thereafter, for Representatives in Congress from each of said districts; and the returns from each county shall be made by the Chief Justice thereof, to the Secretary of State, within forty days after said election, who shall open and count the same and report the result to the Governor, who shall give the person having the highest number of votes, in each district, a certificate of election; provided, that if the Congress of the Confederate States shall fix another day for the election, then the election shall be held upon the day so fixed; and that this act take effect and be in force from and after its passage.

Approved April 8, 1861.

CHAPTER LIV.

An Act Making an appropriation for the mileage and per diem pay of the Members, and the per diem pay of the Officers, of the adjourned session of the Eighth Legislature.

Section 1. Be it enacted by the Legislature of the State of Texas, That the members of the adjourned session of the Eighth Legislature shall be entitled to mileage at the same rate that members are entitled by law to receive at the regular sessions, and that the sum of thirty thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of the current State revenues arising from the assessments of the year 1860, for the mileage and per diem pay of the members, and the per diem pay of the officers, of the adjourned session of the Eighth Legislature. The certificate of the Chief Clerk of the House of Representatives, and that of the Secretary of the

Senate, for their respective bodies, shall be sufficient authority for the Comptroller to draw his drafts or warrants for the respective amounts thereof, and in case the money is not in the Treasury, the drafts of the Comptroller may be drawn on the Assessors and Collectors, or his warrants on the Treasury, at the option of the member or officer, for the amounts.

Sec. 2. That this act shall take effect and be in force from and after its passage.

Approved April 8, 1861.

CHAPTER LV.

An Act to amend the act of March 15, 1848, entitled "An act to provide for the election of Electors of President and Vice President of the United States," and to repeal the 8th section of said act.

Section 1. Be it enacted by the Legislature of the State of Texas, That the caption of said act shall hereafter read as follows: An act to provide for the election of Electors of President and Vice President of the Confederate States of America.

Sec. 2. That the first section of the above recited act is hereby amended so that the same shall hereafter read as follows: On such day in the year A. D. 1861 as shall be established by law of the government of the Confederate States of America, the qualified electors for members of the House of Representatives of the State Legislature of this State shall elect, from among the resident citizens of this State over twenty-one years of age, and not members of the Congress of the Confederate States, as many electors of President and Vice President of the Confederate States of America as the State of Texas shall be entitled to.

Sec. 3. The fifth section of the above entitled act is hereby amended so that the same shall hereafter read as follows: It shall be the duty of the Secretary of State, in presence of the Governor, Lieutenant Governor, and Attorney General, or any or either of them, on the twenty-fifth day after such election, or if such day fall on a Sunday, then on the twenty-sixth day after such elections, to open all the election returns received by him, and correctly add up all the votes cast in the several counties for each of said Electors, and cause the result thereof, with the names of the persons elected, to be forthwith published in some newspaper printed at the seat of government of this State, and

in writing notify the persons elected, respectively, of their election.

Sec. 4. The sixth section of the above entitled act is hereby amended so that the same shall hereafter read as follows: That the electors so chosen shall convene at the seat of government of the State, on the second Monday after the votes electing them shall have been counted and declared as in the last preceding section is provided, and vote for President and Vice President of the Confederate States of America.

Sec. 5. The eighth section of the above entitled act is hereby repealed, and this act shall be in force from and after its passage.

Approved April 8, 1861.

CHAPTER LVI.

An Act to amend an act entitled "An Act to amend an act entitled an act to organize Justices' Courts, and to define the powers and jurisdiction of the same," approved February 7, 1861.

Section 1. Be it enacted by the Legislature of the State of Texas, That the first section of said act shall hereafter read as follows: "A Justice of the Peace may grant a stay of execution on any judgment for money rendered by himself on a civil suit for three months; provided the person or persons against whom such judgment was rendered shall, with one or more good and sufficient sureties, to be approved by such Justice, appear before him and acknowledge themselves and each of them bound to the successful party in such sum as shall secure the amount of the judgment, interest and cost; which acknowledgement shall be entered by the Justice on his docket, and shall have the force and effect of a judgment against the persons making the acknowledgement, upon which execution shall issue for the amount of the original judgment, interest and costs, in case the same shall not be paid, on or before the expiration of such stay; provided that no such stay shall be granted unless applied for and perfected within ten days of the recovery of the original judgment.

Sec. 2. That this act take effect and be in force from and after the first day of December, 1861.

. Approved April 8, 1861.

CHAPTER LVII.

An Act making an appropriation for the subsistence and transportation of supplies for the Regiment ordered to be raised by an Ordinance passed by the Convention of the People of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of seventy-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated for the subsistence and transportation of supplies for the troops composing the regiment ordered to be raised under an ordinance "to provide in part for the military defence of the State of Texas."

Sec. 2. That the Governor shall advertise for sealed proposals for furnishing the supplies and subsistence, which contracts shall be given to the lowest and best bidder; provided this requirement shall not interfere with the immediate wants of the service; and further provided he shall consider said bid reasonable. This act shall take effect from and after its passage.

Approved April 8, 1861.

CHAPTER LVIII.

An Act to authorize the County Courts of Nacogdoches, Navarro, Jackson, Colorado, Calhoun, El Paso, Jasper, Newton, Dallas, Atascosa, Fort Bend, Fannin, Madison, Hays, Blanco, San Augustine, Walker, Sabine, Grimes, Victoria, Limestone, Medina, Uvalde, Orange, Hardin, Jefferson, Gillespie, Leon, Milam, Comal, Live Oak, Bee, Nueces, San Patricio, Refugio, Kerr, Bandera, Bosque, Erath, Palo Pinto, Hamilton, Comanche, Lampasas, Coryell, McLennan, Bell, Buchanan, Eastland, Matagorda, Wharton, Tyler, Liberty, Chambers, Polk, Goliad, Karnes and Brazoria counties to regulate the pay of Sheriffs therein in certain cases.

Section 1. Be it enacted by the Legislature of the State of Texas, That the County Courts of Nacogdoches, Navarro, Jackson, Colorado, Calhoun, El Paso, Jasper, Newton, Dallas, Atascosa, Fort Bend, Fannin, Madison, Hays, Blanco, San Augustine, Walker, Sabine, Grimes, Victoria, Limestone, Medina, Uvalde, Orange, Hardin, Jefferson, Gillespie, Leon, Milam,

Comal, Live Oak, Bee, Nueces, San Patricio, Refugio, Kerr, Bandera, Bosque, Erath, Palo Pinto, Hamilton, Comanche, Lampasas, Coryell, McLennan, Bell, Buchanan, Eastland, Matagorda, Wharton, Tyler, Liberty, Chambers, Polk, Goliad, Karnes and Brazoria counties be and [are] hereby authorized to allow the Sheriffs thereof, for summoning jurors in the District Courts, serving election notices, notice on overseers of roads, attending on the District and County Courts, and doing all other business not provided for, such sum or sums of money as said Courts may deem sufficient for said service, not to exceed two hundred dollars, to be paid out of the treasury of said county, any law to the contrary notwithstanding.

Sec. 2. That this act take effect from and after its passage.

Approved April 8, 1861.

CHAPTER LIX.

An Act providing means for the payment of certain debts created by authority of the late Convention of the People of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Governor is hereby authorized to borrow and place in the Treasury for the use of the State the sum of ninety thousand dollars, to be borrowed for the period of twelve months at a rate of interest not exceeding ten per centum per annum. And if necessary in order to procure such loan, the Governor shall withdraw from the Treasury of the State one hundred and fifty thousand dollars of the bonds and security of the Texas Central Railroad Company belonging to the special school fund, and after endorsing or assigning them for that purpose, shall pledge or hypothecate them for the security of the payment of such loan and the interest thereon; or he may in like manner pledge or hypothecate such number or amount of any bonds of this State authorized to be issued by the Legislature and secured by taxation under the provisions of the Constitution of the State, as may be necessary to procure and secure such loan. The Governor may in his discretion appoint an agent to negotiate such loan, and may allow him such compensation for his services as may be agreed upon by the Governor, Comptroller and Treasurer, or a majority of them: Provided, that in case the bonds of the Texas Central Railroad Company shall be

withdrawn from the Treasury for the purpose herein contemplated, the coupon bonds for interest connected therewith, and which are now due or will become due during the period that said bonds are to be pledged or hypothecated, shall be retained in the Treasury; and when said railroad bonds are released from such pledge or hypothecation, the same shall be immediately replaced in the Treasury, and remain as a portion of the special school fund, as heretofore.

Sec. 2. That out of the money so borrowed shall be paid such amount as has been or shall be audited and allowed by the auditorial board created by the late Convention of the People of the State, under and by virtue of an ordinance concerning certain commissioners and officers appointed by authority of said Convention, adopted March 23, 1861; and also such amount of debt as has been or may be created on the faith of the State under and by virtue of an ordinance of said Convention, to authorize the purchase of arms for the use of the State, adopted March 9, 1861, and the remainder, if any, may go into the general disbursement account.

Sec. 3. This act shall be in force from and after its passage.

Approved April 8, 1861.

CHAPTER LX.

An Act providing for the disposition of runaway slaves.

Section 1. Be it enacted by the Legislature of the State of Texas, That it is hereby made the duty of the Sheriffs of the different counties of this State, as early as possible after the commitment of any runaway slave, to cause an advertisement to be published in a newspaper printed nearest the county, or in the newspaper having the largest circulation in the county where the commitment is made, at the discretion of the Sheriff; in which shall be embraced a minute description of such runaway slave, and any other circumstances calculated to lead to the discovery of the slave by his owner, and if, after such advertisement for the space of six months, the owner should not apply for, prove and take out of jail such slave, paying such expenses as are now allowed by law, together with the expense of advertising herein provided for, the Sheriff shall then convey and deliver such runaway slave to the keeper of the State Penitentiary, and the Sheriff shall at the same time deliver to the financial agent of

Sec. 7. Before any runaway slave in custody by virtue of this act shall be delivered up to any person claiming the same, the claimant shall first prove by the affidavit of some disinterested

witness, that such claimant has lost such a slave as the one described in the advertisement; second, that the runaway is the one he lost; third, pay all expenses incurred in apprehending, securing, receiving, maintaining and advertising such runaway. The keeper of the Penitentiary shall deliver any runaway to the owner or his agent, upon his or their complying with the foregoing requisitions, and upon bond and security being given, should it be required by the keeper, to indemnify the keeper; and the financial agent shall demand and receive all expenses incurred in the apprehension, recovery, maintaining and advertising such runaway, which amount shall be paid into the State Treasury.

Sec. 8. The legally authorized agent of any person claiming a runaway slave, may claim, prove and receive such runaway in like manner as the owner is enabled to do by this act.

Approved April 8, 1861.

CHAPTER LXI.

An Act to authorize and require the Commissioner of the General Land Office to issue patents out of the regular order in which they were filed in the Land Office.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office is authorized and required to patent surveys out of the regular order in which they were filed in the Land Office, but in regular order of application; provided such surveys shall have been regularly mapped, or there be sufficient evidence that no previous survey legally filed in the Land Office covering the same ground as represented on the maps of the office.

Sec. 2. That this act take effect from and after its passage

Approved April 8, 1861.

CHAPTER LXII.

An Act to amend an act entitled an act amendatory of the laws to raise revenue by taxation, approved February 16, 1858.

Section 1. Be it enacted by the Legislature of the State of Texas, That the 4th section of the above entitled act shall

hereafter read as follows: That there shall be assessed and collected of each person, firm, or public corporation, having money loaned at interest, buying or selling exchange, or buying or selling notes of hand, a tax at the rate of twenty cents on each hundred dollars loaned, and on the amount of capital used for the purchasing exchange or notes; and any person, firm, or public corporation having money loaned at interest or money used in purchasing exchange or notes, who shall fail or refuse to give in the same for taxation, shall, upon conviction before any court having competent jurisdiction, forfeit ten per centum upon the amount of money thus loaned, or used in purchasing exchange or notes, and not given in for taxation, to the use of the informer. That each and every person or firm engaged in the sale of goods, wares, and merchandise, vinous or spirituous liquors, when sold in quantities of a quart or more, shall pay a tax of twenty cents on each hundred dollars value of such articles purchased for sale, or received for sale, as agent or auctioneer, by such person or firm; and it shall be the duty of each Assessor and Collector in this State, once in every three months, or oftener, to call upon such person or firm, so occupied or engaged in his county for an account of such purchases or consignments to be made under oath, and every person or firm, when so called upon, who shall fail or refuse to furnish such Assessor and Collector with an account of such purchase, or consignment, during the term for which the assessment is to be made, shall be liable to a penalty of fifty dollars for each failure or neglect, to be recovered on information of the Assessor and Collector, before any Justice of the Peace of the proper county, by a suit in the name of the State; and the specific tax levied, shall exempt the goods, wares and merchandise from the ad valorem tax levied by this act.

Sec. 2. That this act take effect and be in force from after its passage.

Approved April 8, 1861

CHAPTER LXIII.

An Act to amend the 19th Section of an Act to provide for the assessment and collection of Taxes. Approved February 11, 1850.

Section 1. Be it enacted by the Legislature of the State of Texas. That the 19th section of An Act to provide for the as-

sessment and collection of taxes, approved February 11th, 1850, shall be so amended as to read as follows: It shall be the duty of the Assessors and Collectors to compare their assessment rolls for the year 1860, and every year thereafter, and the list of payments made elsewhere to be hereafter furnished them by the Comptroller, with the Abstract of Titled Lands, and ascertain the lands on which the taxes have been paid, and after giving credits for the amounts so paid, the residue, if any, shall be valued by the assessor and collector, at its cash value, subject to the revision of the County Court; and after giving due advertisement, as required by the 17th section of said law, the same shall be sold as provided by law for the sale of the rendered property. The list of lands so advertised shall embrace the unrendered lands only, a copy of which shall be sent to the Comptroller by the 1st of June of every year; and the Comptroller shall charge the same to the Assessor and Collector, which accounts shall be credited by the amount bid off to the State, the Assessor and Collector's fee of two dollars on each sale, providing the same can be paid from the proceeds of such sale, as may be made to individuals; but should they be insufficient, then the Assessor will await the redemption of the land by the owners, for the fees so due, and the balance due on said account will be deposited in the Treasury, at the time of the annual settlement of his account. This Act shall be in force from and after its passage.

Approved April 8, 1861.

CHAPTER LXIV.

An Act making appropriation to supply deficiencies for the year 1861.

Section 1. Be it enacted by the Legislature of the State of Texas, That the following sums be appropriated, to-wit:

For transportation of convicts to the Penitentiary for 1861	\$2,000 00
For costs due clerks, attorneys, and sheriffs, in felony cases	6,000 00
For repairs, &c., upon Governor's mansion	150 00
For contingent expenses of Comptroller's office	100 00
For postage fund for same	200 00
For survey of land scrip	500 00

For pay of George J. Durham for one month and twenty days service as acting Comptroller, during the absence of C. R. Johns to Washington City, from 26th January to the 15th March, 1861, at \$33 33 per month, being the difference in the salary between the Chief Clerk and Comptroller; to come out of the appropriation to pay expense of Comptroller to Washington City	55 50
For stationery for next Legislature	1,000 00
For wood for same	800 00
For contingent fund for late Convention	500 00
For printing ordered by the Senate and House of Representatives at the adjourned session of the eighth Legislature	1,889 00
For printing and distributing the laws and journals of the extra and adjourned sessions of the 8th Legislature	3,000 00
Sec. 2. That this act take effect and be in force from and after its passage.	
Approved April 9, 1861.	

JOINT RESOLUTIONS.

CHAPTER I.

Joint Resolution repealing the "Joint Resolutions in response to the Governor's Message on Kansas affairs," approved February 16, 1858.

1. Be it Resolved by the Legislature of the State of Texas, That the "Joint Resolutions in response to the Governor's Message on Kansas affairs," approved February 16, 1858, be and the same are hereby repealed.

2. That this resolution shall take effect from and after its passage.

Passed January 24, 1861

CHAPTER II.

Joint Resolution relative to Coercion.

Be it Resolved by the Legislature of the State of Texas, That, in view of the exigencies of the times, we deem it proper to declare:

That when the sovereign States of this Confederacy entered into the compact of Union, they delegated to the Federal Government no power to compel, by force of arms, obedience by the States to the Federal authority. but, on the contrary, such power was expressly denied.

That the employment, therefore, of force by the Federal Government to compel any State of this Union to perform its obligations under the Federal Compact, or to compel a State against the will of its people to remain a member of this Confederacy, is in violation of the Constitution, a dangerous usurpation of power, destructive of the right of free government, and fatal to the existence of the Union itself, which, formed of equal and independent sovereignties, cannot be as between conquering and subjugated provinces.

That should (as we have serious reason to apprehend may be, in the present condition of the Union,) the Federal Government attempt to coerce any of our sister States of the South, by force of arms, into subjection to Federal rule, we assure such States of the sympathies of our people, and that we shall make common cause with them in resisting, by all means and to the last extremity, such unconstitutional violence and tyrannical usurpation of power.

Passed February 1, 1861.

CHAPTER III.

Joint Resolution concerning the Convention of the People of Texas, called in pursuance of the Bill of Rights.

Whereas the people of Texas, being much concerned for the preservation of the rights, liberties, and powers of the State, and its inhabitants, endangered by the political action of a majority of the States, and the people of the same have, in the exercise of powers reserved to themselves in the Bill of Rights, called a Convention, composed of two members for each Representative in the Legislature, from the various districts established by the apportionment law of 1860, to assemble on the 28th day of January, 1861, at the city of Austin, which convention, by the terms of the call, made by numerous assemblages of citizens in various parts of the State, was, when elected and assembled, to have power to consider the condition of public affairs; to determine what shall be the future relations of this State to the Union, and such other matters as are necessarily and properly incident thereto; and in case it should be determined by said Convention, that it is necessary for the preservation of the rights and liberties aforesaid, that the sovereignty of Texas should resume the powers delegated to the Federal Government

in the Constitution of the United States, and by the articles of annexation, then the ordinance of said Convention resuming said delegated powers, and repealing the ratification by the people of Texas of said articles of annexation, should be submitted to a vote of the qualified electors of this State, for their ratification or rejection; therefore,

1. Be it Resolved by the Legislature of the State of Texas, That the Government of the State of Texas hereby gives its assent to and approves of the Convention aforesaid.

2. That this resolution take effect and be in force from and after its passage.

With a protest against the assumption of any powers on the part of said Convention, beyond the reference of the question of a longer connection of Texas with the Union to the people, approved 4th February, 1861.

CHAPTER IV.

Joint Resolution with regard to the contract for roofing the Capitol.

1. Be it Resolved by the Legislature of the State of Texas. That the Attorney General proceed to enforce the contract between the State and Robert P. Boyce and J. B. Sawyer for roofing the Capitol and the old Land Office, by suit upon their bond or otherwise.

2. That this Resolution take effect from and after its passage.

Approved February 8, 1861.

CHAPTER V.

1. Be it Resolved by the Legislature of the State of Texas, That the completion of the Texas and New Orleans Railroad, at an early day, both in Texas and Louisiana, is of the utmost importance to the material interests of both States; and in a military point of view, for strategic and defensive purposes, will be of the greatest value to the whole South, by constituting, with the railroads now constructed, a line of inland communication extending from Western Texas through to Virginia and Maryland, which will avoid many of the annoyances incident to a blockade on the Southern seaboard.

2. That, as this State has extended liberal aid to the Company for the construction of its works in Texas, that we would respectfully call the attention of the Legislature of Louisiana to the importance of this great enterprise, and commend it to its consideration.

Approved February 13, 1861.

CHAPTER VI.

Joint Resolution concerning the revenue cutter "Dodge" and the officers of the same.

Section 1. Be it resolved by the Legislature of the State of Texas, That the Government and Congress of the Confederate States of America are hereby requested to have the necessary repairs made upon the revenue cutter Dodge, (now lying at the port of Galveston,) and that Capt. W. F. Rodgers, and the officers of said cutter, who were in command of said vessel at the time of her surrender by them to the authorities of Texas, be retained in office and continued in command of said cutter Dodge, upon the revenue service on the coast of Texas, by the Government of the Confederate States.

Be it further resolved, That the Governor of this State forward a copy of this joint resolution to our Members in Congress, with the request that they urge upon the Confederate Government the desire of Texas, expressed in said joint resolution.

Approved April 3, 1861.

CHAPTER VII.

Joint Resolution authorizing the payment of the salary of the late Captain T. P. Plasters, deceased, as Doorkeeper of the House of Representatives, to D. C. Dickson.

1. Be it Resolved by the Legislature of the State of Texas, That the State Treasurer is hereby authorized to pay to D. C. Dickson the amount due Thomas P. Plaster for services as Doorkeeper of the House of Representatives.

2. That this Joint Resolution take effect from and after its passage.

Approved, April 5, 1861.

CHAPTER VIII.

A Joint Resolution In relation to the establishment of an Admiralty Court for the State of Texxs, at Galveston and such other places on the coast, as commerce requires.

Section 1. Be it resolved by the Legislature of the State of Texas, That the Government of the Confederate States of America is hereby respectfully requested to establish an Admiralty Court for the State of Texas, at the city of Galveston, and such other places on the coast in this State as commerce requires.

Sec. 2. That the delegates of the State of Texas in the Congress of the Confederate States of America be and they are hereby requested to use all proper efforts to accomplish the object indicated in the foregoing resolution. And that the Governor cause a duly certified copy of these resolutions to be transmitted to said delegates. And this joint resolution shall be in force from its passage.

Approved April 6, 1861.

CHAPTER IX.

Joint Resolution providing for the turning over of the property now in the possession of the State (lately taken from the United States Government) to the Confederate States Government.

1. Be it resolved by the Legislature of the State of Texas, That the officers and agents of this State having in charge or possession any of the property recently taken from the Government of the United States, shall, on demand, turn the same over to the agent or agents appointed by the Confederate States Government to receive and take receipts for the same, accompanied by schedules specifying each item and its condition, and such officers or agents of the State shall file said receipts and schedules in the Comptroller's office as soon as practicable. Provided, that the Government of the Confederate States assumes all responsibility to the Government of the United States for all the property received under the provisions of this resolution.

2. That this resolution take effect and be in force from and after its passage.

Approved April 6, 1861.

CHAPTER X.

Joint Resolutions concerning Brigadier Gen. David E. Twiggs.

1. Be it resolved by the Legislature of the State of Texas, That in the person of Brigadier General David E. Twiggs, we recognize an eminent citizen, a pure patriot, and gallant officer, whose military career adorns the brightest page of the history of his country.

2. That the late delivery of the military posts and material of war, to the authorities of the people of the State of Texas, was dictated by a "military necessity," founded on a just regard for the rights of a sovereign State, thereby preventing a collision of arms, fearful in its consequences to the peace and liberties of the people.

3. That the retirement of this eminent citizen and soldier to the walks of private life, carries with him the gratitude and profound respect of the people of Texas, for his long and valuable public services, which will live in the hearts of his countrymen, when the acts of his persecutors will be remembered only to be detested.

4. That the Governor cause to be transmitted to Gen. Twiggs a copy of these resolutions.

Approved April 8, 1861.

CHAPTER XI.

Joint Resolution authorizing the Governor to appoint two Commissioners to examine into the affairs of the Central Railroad, and report to him.

1. Be it Resolved by the Legislature of the State of Texas, That the Governor of the State may, on the application of any of the stockholders of the sold-out Company of the Texas Central Railroad, appoint two Commissioners to inquire into, and report to him, the facts in relation to the late sale of the said railroad under execution; and the Commissioners so appointed shall have the power to send for persons and papers, for the purpose of such examination: provided, that no expense attending such examination shall be chargeable to, or paid by, this State, and the stockholders making application for the appointment of such Commissioners shall, before such appointment is

made, make provision for the compensation of the Commissioners, and the payment of the expenses attending the examination. And that this Resolution take effect, and be in force, from and after its passage.

Approved, April 8, 1861.

CHAPTER XII.

Joint Resolution concerning Iron Foundries in the State of Texas.

Whereas, there is in the counties of Marion and Cass, in this State, an inexhaustible supply of iron ore; and, whereas, foundries are at this time in successful operation in said localities, fostered by the enterprise of citizens of Texas; therefore,

1. Be it resolved by the Legislature of the State of Texas, That the Government of the Confederate States of America is hereby respectfully invited to consider the propriety and importance of establishing in said locality a foundery and manufactory for the manufacture of ordnance and arms for the Confederate States.

2. That the Governor is hereby requested to cause a copy of this joint resolution to be transmitted to the delegates of this State in the Congress of the Confederate States, to be by them laid before the Government of said Confederate States; and that this joint resolution take effect and be in force from and after its passage.

Approved April 8, 1861.

CHAPTER XIII.

Joint Resolution, suspending the Geological Survey.

Section 1. Be it Resolved, by the Legislature of the State of Texas, That the Geological Survey of the State be suspended, and that the services of all employees concerned in said survey be dispensed with, except the chemist, who shall be continued in service only so long as may be necessary to make up the report hereinafter provided for.

Sec. 2. That B. F. Shumard, late geologist, be required to

make out a report of his surveys, so far as the same may have been completed, and for that purpose shall have control of the cabinet and geological rooms, and his notes, and the services of the chemist; and he shall receive the like salary as heretofore paid to the State Geologist, until the work is completed: provided, said report shall be made by the first day of July, next, which compensation shall be paid out of the appropriation heretofore made for the support of the Geological Bureau.

Sec. 3. That Dr. Francis Moore, present State Geologist, be required to make his report of all work executed by him up to the present time.

Sec. 4. That the unexpended balance of said appropriation, except so much as may be necessary to carry out the provisions of this Joint Resolution, shall be subject to be expended under other general appropriations.

Sec. 5. That the perishable property used in the survey shall be taken charge of by the Comptroller, and sold by him, and the proceeds paid into the Treasury.

Sec. 6. That this Joint Resolution shall take effect from and after its passage.

Approved, April 8, 1861.

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THE STATE OF TEXAS.

I, Bird Holland, Secretary of State of the State of Texas, do certify that the Extra Session of the Eighth Legislature of said State, convened according to the proclamation of the Governor, at Austin, on Monday the twenty-first day of January, in the year one thousand eight hundred and sixty-one, and adjourned on Tuesday, the 9th day of April, the same year.

And I further certify that the acts and resolutions contained in this volume, are true copies, taken from the original rolls deposited in the Department of State, with which they have been carefully compared.

Given under my hand and official seal, at the city of Austin, the sixth day of May, A. D., one thousand eight hundred
[L. s.] and sixty-one.

BIRD HOLLAND,
Secretary of State.

SPECIAL LAWS

PASSED BY

THE EXTRA SESSION

OF

THE EIGHTH LEGISLATURE

CONVENED JAN. 21, 1861

BY AUTHORITY

**AUSTIN
1861**

SPECIAL LAWS

PASSED BY

THE EIGHTH LEGISLATURE

EXTRA SESSION

CHAPTER I.

An Act supplementary to an "Act to incorporate the Houston, Trinity and Tyler Railroad Company," and to the acts amendatory of, and supplemental thereto.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Houston, Trinity and Tyler Railroad Company, having selected a point on the Galveston, Houston and Henderson Railroad, between Harrisburg and Houston, in Harris county, as the point of connecting the Houston, Trinity and Tyler Railroad with the Galveston, Houston and Henderson Railroad, and the said Company having commenced the survey of the route, and the construction of its railroad from said point of connection, and run its survey twenty-five miles in the direction of Huntsville, in Walker county, the said connection and route are hereby fully approved, ratified and confirmed as warranted by the act incorporating said Company, and the said Company is authorized to construct its railroad from said point of connection, and on said route, as if the same had been expressly designated in the act incorporating said company: provided, that nothing in this act, shall be so construed as to prevent said Company from running said road through the city

of Houston, or commencing in said city, if the said Company deem it proper to do so.

Sec. 2. That the establishment by said Company of its principal office in the city of Galveston, is hereby recognized as valid, and the said Company is authorized to keep its principal office in said city.

Approved February 1, 1861.

CHAPTER II.

An Act supplemental to an act and amendatory of an act entitled an act to incorporate the San Antonio and Mexican Gulf Railroad Company, and supplemental to and amendatory of the several acts supplemental to and amendatory of the above recited act.

Section 1. Be it enacted by the Legislature of the State of Texas, That the time for the completion of the second section of twenty-five miles of the San Antonio and Mexican Gulf Railroad Company, be, and the same is hereby extended to the first day of January, 1863, anything in the original act of incorporation, or in the several acts supplemental to, and amendatory thereof, to the contrary notwithstanding: provided, that the past failure of said company to have completed any section or any given extent of road, within the time prescribed in said original act of incorporation, or in any of the several acts supplemental to, and amendatory thereof, shall not be so construed as to deprive said company of any of the benefits arising under said original act of incorporation, and the several acts supplemental to and amendatory thereof, or arising under any general or special law of the State, in the same manner as if said company had made no such failure.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved, February 1, 1861.

CHAPTER III.

An Act to amend an "Act to incorporate the the Air Line Railroad Company," approved 30th January, 1861.

Section 1. Be it enacted by the Legislature of the State of Texas, That section eleven of the above recited act shall hereafter read as follows:

"Sec. 11. That if said railway is not commenced within six months, and at least twenty-five miles thereof completed and in running order, on or before the thirtieth day of December, 1863, then this charter shall be null and void."

Sec. 2. This act shall take effect from its passage.

Approved, February 5, 1861.

CHAPTER IV.

An Act to amend an act entitled an act to amend an act entitled an act to incorporate the Columbus, San Antonio and Rio Grande Railroad Company, passed February 8th, 1860.

Section 1. Be it enacted by the Legislature of the State of Texas, That the second section of the above recited act, be and the same is hereby so amended as to read as follows: That the eight section of the above recited act be so amended as to hereafter read as follows:

"That said company shall commence work within two years after the passage of this act, and shall complete twenty-five miles of said road every two years thereafter, or at that rate, until the same reaches San Antonio. And should the said company fail to commence and prosecute the road as herein prescribed, they shall forfeit all their rights and privileges to construct said road further under this charter; and should the said company prosecute their road beyond San Antonio to the Rio Grande, they shall commence within one year after reaching San Antonio, and shall complete ten miles annually thereafter, under the conditions and penalties as set forth in the preceding part of this section.

Sec. 2. That this act take effect and be in force, from and after its passage.

Approved, February 5, 1861.

CHAPTER V.

An Act for the relief of the Houston Tap and Brazoria Railway Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Houston Tap and Brazoria Railway Company, shall have further time, until the first of January, 1863, to complete the section of their road from the Brazos river to the Colorado river, and that this act shall take effect from and after its passage.

Approved, February 5, 1861.

CHAPTER VI.

An Act to incorporate the Lavaca Wharf Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That W. P. Baughn, Z. K. Fulton, S. J. Lee, Jno. H. Cross, A. T. Hensley, John S. W. Hubbard and A. J. Walker and others who may become purchasers or subscribers for stock in said company, and their successors and assigns, be, and they are hereby constituted a body corporate and politic, by the name of "The Lavaca Wharf Company," and by that name and style they and their successors shall in law be capable of suing and being sued in all courts and places whatsoever.

Sec. 2. That said corporation is hereby authorized and empowered to hold, possess and acquire, and the same to sell and convey all such real and personal estate as shall be necessary for the convenient transaction of its business, or which may be conveyed to said company for the security of any debt which may become due and owing, or in satisfaction of any judgment or decree rendered in favor of said company: provided, the property so owned by said company, shall not exceed in value at any one time, two hundred thousand dollars, and may have and use a common seal and the same alter and change at pleasure, and may make all such other regulations and by-laws as shall be necessary and proper for the proper regulation, management, prosecution and preservation of the property and business of said

company, and which is not in conflict with the constitution and laws of the State.

Sec. 3. The business of said company shall be that of Wharfingers, and the said company is hereby given full power and authority to erect one or more wharves as their business may require, said wharf or wharves to be erected in the city of Lavaca, in the county of Calhoun, and may be extended out in Lavaca bay, sufficiently far to reach the deepest water, in front of said city: provided, that in the erection of said wharf or wharves, they shall not be so erected as to be in front of private property, owned on the bank of said bay, (and east of Commerce Street) unless the consent of the owner or owners of the bank be first obtained by said company.

Sec. 4. The said company shall have the right to demand and receive a compensation or wharfage from all persons who may use said wharf or wharves, either by the deposit of goods thereon, the transportation of property over the same, or the mooring of vessels alongside of the same: provided, the wharfage charged shall at no time exceed six and one quarter cents per barrel of five and one-half cubic feet, and the moorage charged shall at no time exceed two cents per ton, custom-house measurement, for each day a berth is occupied.

Sec. 5. The capital stock of said company shall be one hundred and thirty thousand dollars, to be divided into shares of one hundred dollars each.

Sec. 6. It shall not be lawful for said company, under any pretence whatever, to discount notes or bills, or to loan money on interest, or to exercise any banking power, but shall have authority through the agency of its Board of Directors, to borrow any amount of money to carry into complete effect the objects of this incorporation.

Sec. 7. The business of said company shall be conducted by a Board of five Directors, to be chosen by the stockholders from among themselves, which said Directors, shall serve until the first Tuesday in December in the next succeeding year after their election, or until others are elected to fill their places, an election for which is provided for, on the first Tuesday in December in each year. In the election of said Board, each share of stock shall be entitled to one vote, and the Directors chosen, must each hold at least one share of the capital stock in his own proper right.

Sec. 8. Said Board of Directors, shall when elected, appoint one of their number President. They shall also appoint a Secretary, a Treasurer, a Wharfinger and such other officers or

agents as the business of said company shall require. The Secretary, Treasurer, Wharfinger and such other officers or agents as the Board may deem advisable; shall give bonds in such sums as said Board shall direct, for the faithful discharge of their respective duties.

Sec. 9. The Wharfinger or Secretary, (as the Board may direct) shall keep proper books of accounts, in which shall be registered all the transactions of the company, and the same shall at all times be subject to the inspection of the members of the corporation and stockholders.

Sec. 10. The Board of Directors shall prescribe the duties and fix the compensation of each and every agent and officer by them appointed.

Sec. 11. That this act take effect and be in force from and after its passage, and continue in force thirty years, and no longer.

Approved, February 7, 1861.

CHAPTER VII.

An Act for the relief of the Texas and New Orleans Railroad Company.

Section 1. Be it enacted by the Legislature of the State of Texas. That the Texas and New Orleans Railroad Company shall have until the first day of January, 1863, to locate its land certificates, and return the field-notes of the same to the General Land Office.

Sec. 2. That said Railroad Company, shall have the power, and is hereby authorized to issue a first mortgage upon its railroad from the west bank of the Trinity river to the city of Houston: provided, that this company shall relinquish all claims to the State loan on said section of its road.

Sec. 3. That this act take effect and be in force from and after its passage.

Approved, February 7, 1861.

CHAPTER VIII.

An Act granting an extension of time for the completion of the Washington County Railroad.

Section 1. Be it enacted by the Legislature of the State of Texas, That in the event of the failure of the Washington County Railroad Company to complete said road to the town of Brenham, in compliance with the provisions of its charter or contract for completion, said company shall have six months extension of time, and shall be entitled to all the provisions of its charter, or the General Railroad law of this State, or any act supplementary or amendatory thereof. And that this act take effect and be in force from and after its passage.

Approved, February 7, 1861.

CHAPTER IX.

An Act to amend the eighth section of an act entitled "An Act to incorporate the Eastern Texas Railroad Company," passed by the Eighth Legislature of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That the eighth section of said act shall hereafter read as follows:

"Section 8. That said corporation shall have power to call for such portions of stock subscribed for, not exceeding twenty-five per cent., every six months, as they may think proper, to be paid at such time and place on the line of said railroad as they may designate, by giving sixty days notice thereof, in some newspaper near said road, or by giving to the stockholders written notices, in which notices shall be specified the amount called for and demanded on each share, and the time and place of payment; and if any stockholder shall fail, neglect, or refuse to pay the amount so called for on his, her, or their stock, within sixty days after the time named for such payment in said notice, no such stockholder shall be entitled to vote in virtue of said shares, or draw any dividend on account thereof, so long as the instalments called for remain unpaid; and the directors of said company, after giving sixty days notice in some newspaper

published nearest the place where the office of said company is kept, may sell, at public auction, the shares subscribed for by such delinquent, and may transfer such shares to the purchasers of the same, and if the proceeds of such sales shall not be sufficient to pay the amount due, with interest and charges, such delinquent shall be held liable to said company for the deficit, and if the proceeds shall exceed the amount so due, with interest and charges, he shall be entitled to the surplus."

Sec. 2. That this act take effect and be in force from and after its passage.

Approved, February 7, 1861.

CHAPTER X.

An Act to change the name of the county seat of Hidalgo County.

Section 1. Be it enacted by the Legislature of the State of Texas, That the name of the town of Edinburgh, the county seat of the county of Hidalgo, be changed to Hidalgo.

Sec. 2. That this act take effect, and be in force, from and after its passage.

Approved, February 7, 1861.

CHAPTER XI.

An Act supplemental to an act for the relief of Myrum Mudget, Daniel Kitchings, A. L. Spencer, and E. G. Cantwell, approved February 8, 1860.

Section 1. Be it enacted by the Legislature of the State of Texas, That the certificates provided for to be issued to "A. L. Spencer and E. G. Cantwell" in said act shall be issued to E. G. Spencer and to A. L. Cantwell, and the Commissioner of the

General Land Office is required to issue to the parties mentioned in this act.

Sec. 2. That this act be in force from its passage.

Approved, February 8, 1861.

CHAPTER XII.

An Act for the relief of the Trinity Valley Railroad Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That the time specified in the charter of the Trinity Valley Railroad Company within which said railroad was to be commenced, and the first section of twenty-five miles completed, be extended one year.

Sec. 2. That this act take effect from and after its passage.

Approved, February 8, 1861.

CHAPTER XIII.

An Act for the relief of the Houston and Texas Central Railway Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That the failure of the Houston and Texas Central Railway Company to complete the fourth and fifth sections of twenty-five miles each, of its road by the thirtieth day of July, 1861, shall not work a discontinuance, as to the said company, of the benefits of the act entitled an act to encourage the construction of railroads in Texas, by the donation of land, or any other laws in reference to railroads, if said company shall complete said fourth and fifth sections by the thirtieth day of January, 1863, and shall thereafter complete twenty-five miles of its road, annually, or fifty miles every two years thereafter: provided, said railroad shall run on the nearest and most practicable route from its line at or near Horn Hill to Dresden, in Na-

varro county, and thence to the town of Dallas, or within one and a half mile of said town, and thence to the terminus on Red River, within fifteen miles of Preston. And said company shall have said road surveyed, staked, and permanently located, to Dresden, or within one mile of said town, by the first day of April, A. D. 1862.

Sec. 2. That this act take effect from and after its passage.

Approved, February 8, 1861.

CHAPTER XIV.

An Act for the relief of the Southern Pacific Railroad Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That the time within which the Southern Pacific Railroad Company is required, by the existing laws, to locate the line of its road-bed west of the Brazos river, and for the survey of its lands and the return of its field-notes to the general land office, shall be extended two years, in addition to the time now allowed said company.

Sec. 2. That this act shall be in force from its passage.

Passed, February 8, 1861.

CHAPTER XV.

An Act to provide payment of expenses incurred by special bearer of dispatches sent by the Governor to Washington City.

Section 1. Be it enacted by the Legislature of the State of Texas, That six hundred dollars be allowed the special bearer of dispatches sent by the Governor to Washington City, in January, 1860,—which sum shall be in full payment of all mileage, expenses, and services, of said bearer of dispatches, — to be

paid out of any money in the treasury not otherwise appropriated.

Sec. 2. That this act take effect, and be in force, from and after its passage.

Approved, February 8, 1861.

CHAPTER XVI.

An Act for the relief of Angel Navarro.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Comptroller of the State of Texas be, and he is hereby authorized to draw his warrant upon the Treasurer of the State, in favor of Angel Navarro, for the sum of fifty dollars, balance due him for his services as special agent to the Rio Grande.

Sec. 2. That the sum of fifty dollars be, and the same is hereby, appropriated out of any funds in the treasury not otherwise appropriated, to pay said warrant. And that this act take effect from its passage.

Approved, February 9, 1861.

CHAPTER XVII.

An Act appropriating the sum of two thousand five hundred dollars for the payment of S. G. Haynie, James G. Swisher, and James Doyle, for services rendered as Commissioners and Superintendent of the building of the Capitol.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of one thousand dollars be appropriated for the payment of five hundred dollars, each, to S. G. Haynie and James G. Swisher, being the balance due them for services as Commissioners for the erection of the Capitol Building, from June 4, 1854, to December 4, 1855.

Sec. 2. That the sum of one thousand five hundred dollars be appropriated for the payment of balance due James Doyle, as Superintendent of the Building of the Capitol, from December 6, 1854, to December 6, 1855.

Sec. 3. That so much of section one of an act entitled "An Act making appropriations to supply the deficiency in former appropriations, and for other purposes, approved February 14, 1860," as conflicts with this act, appropriating money for the payment of the services mentioned in this act be, and the same are hereby, repealed. And that this act take effect, and be in force, from and after its passage.

Approved. February 13, 1861.

CHAPTER XVIII.

An Act granting a pension to William H. Anderson.

Whereas, at the regular session of the Eighth Legislature, an appropriation of one hundred dollars per annum, made to William H. Anderson, as a pension, and whereas, the same cannot be drawn by him under the appropriation without additional legislation: Therefore—

Section 1. Be it enacted by the Legislature of the State of Texas, That an annual pension be granted to William H. Anderson, and that his name be placed upon the list of pensioners, and that his pension be paid as follows: One hundred dollars on the fifteenth day of May, 1861, and fifty dollars on the first day of July thereafter; and semi-annually, thereafter, the sum of fifty dollars. And that this act take effect, and be in force, from and after its passage.

Approved. March 29, 1861.

CHAPTER XIX.

An Act making an appropriation to pay John Marshall for certain services.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of five thousand nine hundred and eighty-six dollars, and sixty-six cents, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money not otherwise appropriated, for the payment of John Marshall for publishing five hundred copies Abstract of Titled and Patented Land; also, for publishing one thousand copies of Appendix of the Eighth Legislature.

Sec. 2. That this act take effect from its passage.

Approved, April 1, 1861.

CHAPTER XX.

An Act to provide for the settlement of the claims of the company commanded by Captain John Williams, who served upon the frontier in the years 1858 and 1859; and to make an appropriation to pay the same.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Comptroller is required to audit the claims of Captain John Williams, and his men, for their services in the years 1858 and 1859, in the same manner as other military services of like character: provided, he is satisfied that the said Williams was acting under the lawful authority, and by the consent, of the Governor of the State, at the time he was in the service.

Sec. 2. That the sum of sixteen thousand nine hundred and seventeen dollars, or so much thereof as may be necessary, is hereby appropriated for the payment of the same, and the Comptroller is required to issue treasury warrants in payment of said service, as provided for the frontier debt. And that this act take effect from its passage.

Approved, April 1, 1861.

CHAPTER XXI.

An Act to authorize the County Court of Anderson County to levy and collect a special tax for certain purposes.

Section 1. Be it enacted by the Legislature of the State of Texas, That the County Court in and for the county of Anderson be, and it is, hereby, authorized and empowered to levy and collect a sum sufficient for the purchase of one hundred and twenty-eight Morse rifles, purchased by said county for military purposes.

Sec. 2. That this act take effect, and be in force, from and after its passage.

Approved, April 5, 1861.

CHAPTER XXII.

An Act to authorize and require all forced sales of real estate and negroes, and sales of real estate or negroes, made by executors and administrators, in the county of Nueces, to be made at the front door of the La Retama House in the city of Corpus Christi.

Section 1. Be it enacted by the Legislature of the State of Texas, That all forced sales, hereafter to be made, of real estate or negroes, under execution or order of court, and all sales made by executors and administrators of real estate, or negroes, under order of court, in the county of Nueces, shall be made at the front door of the La Retama House, in the city of Corpus Christi.

Approved, April 6, 1861.

CHAPTER XXIII.

An Act to provide for the redemption of the Treasury Warrants issued to William Fitzhugh.

Section 1. Be it enacted by the Legislature of the State of Texas, That it is hereby made the duty of the Comptroller,

upon the delivery of the ten per cent. treasury warrants, numbered from seven hundred and sixty (760) to seven hundred and ninety-four (794) both inclusive, amounting to seven thousand five hundred and five dollars (\$7,505 00,) issued to William Fitzhugh, for the payment of mules purchased by him for the public service, to compute the interest due thereon, and issue drafts in his favor for such sum and interest, on the assessors and collectors, payable out of the taxes of 1860.

Sec. 2. That this act take effect from its passage.

Approved, April 6, 1861.

CHAPTER XXIV.

An Act for the relief of Charles Ganahl.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Comptroller be authorized to issue to Charles Ganahl a duplicate of treasury warrant No. 17302 and draft No. 892 on the Assessor and Collector of Gillespie county, drawn on the twenty-sixth March, 1861, for the sum of two hundred and eighty dollars, in favor of said Ganahl, for his mileage and per diem as a member of the State Convention: provided, that said Ganahl shall file an affidavit of the loss of said warrant, together with a bond for double the amount of said warrant, with said Comptroller, conditioned that he will indemnify the State in case the first warrant or draft is paid.

Sec. 2. That this act take effect, and be in force, from and after its passage.

Approved, April 6, 1861.

CHAPTER XXV.

An Act granting a pension to Cynthia Ann Parker.

Section 1. Be it enacted by the Legislature of the State of Texas, That Cynthia Ann Parker, of Tarrant county, Texas, be.

and she is hereby entitled to receive from the State of Texas, a pension of one hundred dollars per annum, for five years; commencing 1st day of January, 1861, to be paid quarterly, as hereinafter specified, and the sum of one hundred dollars is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay said pension the first year, ending 1st January, 1862.

Sec. 2. That the County Court of Tarrant county, shall, on application, appoint a guardian for said Cynthia Ann Parker, who shall give a bond to the Chief Justice of Tarrant county, in the sum of five hundred dollars, conditioned for the faithful application of said pension to the support of the said Cynthia Ann Parker, and for the support and education of her child, and upon the production of the certificate of the Clerk of the County of Tarrant to the Treasurer of the State, certifying that said guardian has qualified and his bond approved, the Treasurer shall pay the said pension to the said guardian or his order.

Sec. 3. That this act take effect from its passage.

Approved, April 8th, 1861.

CHAPTER XXVI.

An Act to incorporate the Houston Cotton Press Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That William J. Hutchins, Cornelius Ennis, Chas. E. Gregory, Wm. R. Baker and Henry Sampson, together with their associates and successors, be, and they are hereby created and constituted a body politic and corporate, under the name and style of "The Houston Cotton Press Company," and the said corporation are invested with the power to contract and be contracted with, to sue and be sued, to plead and be impleaded, to own sufficient amount of real and personal estate for the transaction of its business, and to appoint such agent or agents and officer or officers, as may be proper for the maintenance of its rights and the transaction of its business; to adopt such by-laws for the regulation of its affairs as are in accordance with this act, and the laws of the State.

Sec. 2. That this charter shall continue in force for the term

of twenty years, and take effect from and after its passage.
Approved, April 8th, 1861.

CHAPTER XXVII.

An Act for the relief of Thomas H. Duggan.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land office, be authorised and required to issue to Thomas H. Duggan, a certificate for three thousand nine hundred and sixty-five acres of land, being an augmentation of land to which he is entitled by immigration to the country in 1835, for his headright, (the said Duggan having heretofore received a certificate for only six hundred and forty acres.) This certificate to be taken as a full satisfaction of the order of survey for one league, granted to said Duggan, and one labor by the Commissioner, Nixon, in September, 1835.

Sec. 2. That this act take effect, and be in force, from and after its passage.

Approved, April 8th, 1861.

CHAPTER XXVIII.

An Act for the relief of John A. Cummings.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to John A. Cummings, a certificate for three hundred and twenty acres of land, which may be located and patented as other genuine land certificates.

Sec. 2. That this act take effect from and after its passage.

Approved, April 8, 1861.

CHAPTER XXIX.

An Act donating land to Cynthia Ann Parker.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to Cynthia Ann Parker, a certificate for one league of land, to be located, surveyed and patented as other land certificates, upon any of the vacant and unappropriated public land of the State of Texas.

Sec. 2. That the title to the land granted by the first section of this act, shall vest in Isaac Duke Parker and Benjamin Parker, in trust for the said Cynthia Ann, and in the execution of said trust, they shall be governed by the laws now in force, or which may hereafter be enacted in relation to guardians of property and persons of minors: provided, that said title shall not vest in said trustees or said Cynthia Ann, until said trustees give bond and security as required by said law in relation to guardians of the property and persons of minors.

Sec. 3. That this act take effect and be in force from and after its passage.

Approved, April 8, 1861.

CHAPTER XXX.

An Act providing for a change of venue in the cause of the State of Texas, vs. Albert G. Walker, now pending in the District Court of Tarrant county.

Section 1. Be it enacted by the Legislature of the State of Texas, That the venue for the trial of the cause of the State of Texas vs. Albert G. Walker, charged with the killing of J. Jeff Courtney, and now pending in the District Court of Tarrant county be, and the same is hereby changed and transferred from said District Court, to the District Court of Johnson county; and it is hereby made the duty of the clerk of said District Court of Tarrant county, to transmit the proceedings in said cause forthwith to the District Court of said Johnson county as in cases of change of venue as now provided by law.

Sec. 2. That this act be in force from and after its passage.

Approved, April 8, 1861.

CHAPTER XXXI.

An Act to authorize and require public sales in the county of Hays to be made upon the public square in the town of San Marcos.

Section 1. Be it enacted by the Legislature of the State of Texas, That all public sales required by law to be made at the court-house door, in the county of Hays, shall be made on the public square in the town of San Marcos.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved, April 8, 1861.

CHAPTER XXXII.

An Act to incorporate the Texas Baptist College.

Section 1. Be it enacted by the Legislature of the State of Texas, That F. J. Kelly, R. A. Felton, J. T. Hand, T. W. Jones, George Yarborough, J. M. Carter, W. H. Smith, D. B. Morrill, J. R. Malone, J. W. Dupree, W. C. Kelly, J. H. Roland, M. V. Smith, M. J. Lawrence, A. E. Clemons, E. J. Beall, Wm. Freeman, J. R. Clark, J. F. Johnson, F. W. Beasley, R. S. Camp, M. F. Locke, S. P. Rainey, A. R. Green, W. B. Featherston and J. M. Battle, Trustees of Texas Baptist College located in the town of Tyler, Smith county, in the State of Texas, be, and are hereby created a body corporate, under the name and style of the Board of Trustees of the Texas Baptist College, and by that name shall have succession, and be capable in law to sue and be sued, plead and be impleaded, to enact by-laws, rules and regulations; to have, hold and enjoy all property of whatsoever kind, that may be granted by donation, bequest or otherwise, for the benefit of said institution; to convert said property into money and dispose of the same, and it shall have a common seal for the transaction of its business.

Sec. 2. That the Texas Baptist College, shall be under the control and superintendence of the Eastern Texas Baptist Convention, and the Board of Trustees shall have power to fill all vacancies that shall occur therein subject to the ratification of

the succeeding Convention, and a less number than thirteen shall not be a quorum to do business, nor shall the number of Trustees consist at any time of more than thirty, a majority of whom must be present in person, or by proxy, to fill a vacancy.

Sec. 3. That the Board of Trustees shall annually present to the Convention a written report of the financial condition of said college, the by-laws and regulations adopted by the Trustees, the number of professors and teachers, and the number of pupils in attendance during the year.

Sec. 4. That the Board of Trustees shall have the power upon the recommendation of the Faculty to confer degrees in the arts and sciences upon the graduates of said College, and upon such other persons as they may deem worthy, and to give diplomas of the same, by the President and Faculty of the College, and by the President of the Board of Trustees.

Sec. 5. That the funds belonging, or in any wise appertaining to said College, shall not be diverted from the object for which the same were given, and all donations and bequests to said College shall be good and binding, although the corporate name thereof may not have been properly stated by the person making such bequest or donation.

Sec. 6. The Board of Trustees may elect from their own number, under such rules and regulations as they may adopt, and for such terms and times as they may see proper, a President, Secretary and Treasurer, and any other officer or agent necessary in the Board. They shall also have the power to construct, enlarge alter or remove all necessary buildings for the purpose of said College, etc., and to do all things necessary to the proper conduct and management of said College, not contrary to law or inconsistent with this charter.

Sec. 7. That this act shall take effect and be in force from and after its passage, and continue in force twenty-five years.

Approved. April 8, 1861.

CHAPTER XXXIII.

An Act to incorporate the Star State Telegraph Company.

Section 1. Be it enacted by the Legislature of the State of Texas. That Henry W. Jones, W. W. Morris, A. M. Gentry,

Wm. J. Hutchins and E. A. Blanch, their associates and successors be, and they are hereby incorporated and created a body corporate, under the name and style of "The Star State Telegraph Company," with capacity in said corporate name, to make contracts, to have succession and a common seal, to make by-laws for the government and regulation of the Company, to sue and be sued, to plead and be impleaded, to grant and receive, and generally to do and perform all such acts and things as may be necessary for, or incident to, the fulfilment of its obligations, for the maintenance of its rights under this act, and in accordance with the constitution and laws of this State.

Sec. 2. That the capital stock of said corporation shall not exceed five hundred thousand dollars; that said corporation shall be and is hereby invested with the right of locating, constructing, owning and maintaining lines of telegraph from the Sabine river, at Orange, via, Beaumont, Liberty, Houston, Hempstead, Brenham, Lagrange, Bastrop, or from Brenham, via, the Air Line Railroad to the city of Austin. From Houston, via, Richmond, Columbus, and Gonzales to San Antonio. From Hempstead, via, the line of the Texas Central Railway, to Red river, with the right to deviate from said line of railway in advance of its construction, so as to run through the various towns lying contiguous to the designated line of said railway. From Sabine Pass, via, Beaumont and the designated line of the Eastern Texas Railroad to Nacogdoches; thence, via, Rusk, Henderson, Tyler, Starrville to Clarksville. From a point on the boundary line of Louisiana, where the Southern Pacific Railroad begins its line, thence west along said line; also, on all lines of railroad in the State, or otherwise, as the business of the country may require, and local capital can be obtained. That this company shall have the right to extend its lines west to the Rio Grande river, with a view to obtain a connection to the Pacific.

Sec. 3. That said Company shall be fully organized whenever twenty-five thousand dollars of its capital stock shall have been subscribed, and twenty five per cent. thereof paid in cash, and the parties named as corporators in this act, shall act as Directors until the first annual meeting of the stockholders, when a new Board of Directors shall be elected under the provisions of the by-laws.

Sec. 4. That the company shall have the power to appoint and remove all such officers and agents as may be necessary for the transaction of its business, and to establish a tariff of charges on messages transmitted over its lines, and to alter the same as it may deem proper.

Sec. 5. At all meetings of the stockholders, each share of one hundred dollars shall be entitled to one vote, which may be given by the holder in person, or by written proxy.

Sec. 6. The books of the company shall always be open to the inspection of any stockholder, and no share of stock shall be transferred, except upon said company's books, when a new certificate shall issue to the assignee.

Sec. 7. Said company may determine to what extent the non payment of shares upon stock shall operate as a forfeiture of the same. Should any subscriber fail to pay the first installment called for after the organization of said company, his subscription shall be void, and the share or shares may be re-issued.

Sec. 8. Said company shall be required to transmit all messages and dispatches over their lines, in the order in which the same are delivered to them for transmission.

Sec. 9. All operators, agents and clerks in the employ of the said company, shall be duly sworn before some justice of the peace or notary public, in the county where they are so employed, to keep secret and inviolate any and all messages and dispatches handed to them for transmission, and any violation of said oath shall be deemed a felony, and punishable by a fine or imprisonment, or both.

Sec. 10. That this company shall have completed and put in full operation, one hundred miles of its lines within eighteen months after the passage of this act, or this act of incorporation shall expire.

Sec. 11. That this act shall expire in twenty-five years, and shall take effect and be in force from and after its passage.

Approved, April 8, 1861.

CHAPTER XXXIV.

An Act concerning the corporation of the town of Crockett.

Section 1. Be it enacted by the Legislature of the State of Texas, That the limits and boundaries of the corporation of the town of Crockett, shall hereafter be as follows, to-wit:

Beginning at a point 1250 varas due East from the centre of

the public square in said town; thence North 950 varas, first corner; thence West 1900 varas, second corner; thence South 1900 varas, third corner; thence East 1900 varas, fourth corner; thence North 950 varas, to the beginning.

Sec. 2. That it shall hereafter be in the power of the qualified electors of said town, either to contract or extend the boundaries thereof, by a vote of two-thirds of said electors, cast at any general election for corporate officers, or at any special election which the Chief Justice of Houston county may order for that purpose, on petition, in both cases, of any number of said electors: provided, that ten days notice shall be given of any such general or special election, and of its objects; and further, provided, that said boundaries be not so extended as to include more than 1280 acres, and that the same be surveyed and recorded in the office of the clerk of the county court of said county.

Approved, April 8, 1861.

CHAPTER XXXV.

An Act to amend an act entitled an act to incorporate the Columbus Tap Railway Company, approved Feb. 2, 1860.

Section 1. Be it enacted by the Legislature of the State of Texas, That the subscription to the capital stock of the Columbus Tap Railway Company, heretofore made by the Buffalo Bayou, Brazos and Colorado Railway Company of the sum of ten thousand dollars, is hereby legalized and declared valid to all intents and purposes, and that the organization of said company, the election of Directors and proceedings had by them are ratified in all respects, as fully as if the subscription made by said Buffalo Bayou, Brazos and Colorado Railway Company had been made in exact conformity with law.

Sec. 2. The company is authorized to establish a ferry across the Colorado river, at or near the present designated line of the road of the company, as may be thought best by the Board of Directors for the location of the same. The said ferry to be under the control and management of the Board of Directors of the company, and used for all purposes in connection with the road and company and its business that may be proper; the said ferry and the use thereof, not to be subject to the control

or action of the county court or town council of the town of Columbus, in any respect whatever. And whenever the bridge of the company shall be completed, then this ferry privilege shall cease and ferry be discontinued.

Sec. 3. This act shall take effect from and after its passage.

Approved, April 8, 1861.

CHAPTER XXXVI.

An Act to prohibit the sale of intoxicating liquors in the neighborhood of Baylor University.

Section 1. Be it enacted by the Legislature of the State of Texas, That it shall not be lawful to sell any intoxicating liquors, whether the same be alcoholic, malt, distilled, or brewed, within the distance of three miles from the Baylor University, situated in Independence, Washington county, (unless sold by apothecaries for medicinal purposes) and any person offending against the provisions of this act, shall forfeit and pay the sum of not more than one hundred dollars, nor less than fifty dollars for each offence, to be recovered by suit, before any Justice of the peace of the precinct in which the Baylor University is situated; which suit may be instituted in the name of the State, at the relation of the President of said University, and the amount so recovered shall be paid, one-half to the county of Washington, and the other half to said University, and the relator shall be responsible for costs of said suit, when the defendant is not convicted. Prosecutions under this act shall be commenced within six months after the commission of the offence.

Approved, April 8, 1861.

CHAPTER XXXVII.

An Act to legalize the Certificate of Jacob Laux.

Section 1. Be it enacted by the Legislature of the State of

Texas, That the certificate issued to Jacob Laux, by W. F. Evans, Commissioner of Fisher & Miller's Colony on the 30th day of April, 1849, for six hundred and forty acres of land in said Colony, shall be held valid, and surveyed and patented like other colony certificates, although it was omitted in the Commissioners report to the General Land Office.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved, April 8, 1861.

CHAPTER XXXVIII.

An Act to incorporate the Galveston and Houston Junction Railroad Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That E. B. Nichols, G. Ball, J. H. Hutchings, Jno. Sealy, J. Kauffman, Willis Randle, Wm. Hendley, J. J. Hendley, J. L. Slught, L. M. Hitchcock, Joseph Brarms, N. B. Yard, J. L. Briggs, Robert Mills, D. G. Mills, J. W. Jockush, T. H. McMahan, B. R. Gilbert, J. Osterman, Thos. B. Power, S. B. Lewis, A. Lewis, J. M. Brown, James Sorley, J. C. Smith, J. Dean, J. Dyer, S. Southwick, A. P. Lufkin, B. F. Terry, J. P. Davie, W. R. Smith, W. Cooke, E. S. Wood, J. S. Sydnor, T. W. Pierce, J. S. Leclerc, W. J. Hutchins, their associates and successors, be, and they are hereby constituted and declared to be a body politic and corporate, under the name and style of the Galveston and Houston Junction Railroad Company: provided, that the parties named in this act shall only be authorized to act as Commissioners, to organize said company, by receiving subscriptions to its capital stock.

Sec. 2. [That] said company under the name and style aforesaid, shall be capable in law of suing and being sued, pleading and being impleaded, defending and being defended in all courts whatsoever in this State, and may have a common seal, and alter the same at pleasure.

Sec. 3. That said company is hereby invested with the right to locate, construct, own, maintain and operate a railroad, commencing at or near Houston on the line of the Galveston, Houston and Henderson Railroad and running through or around the

city of Houston, and connecting with the Texas Central Railroad, and not to exceed ten miles in length, to be used for the transportation of passengers, mails and freight, by locomotives propelled by steam, and cars attached as used on other railroads, and charge and receive compensation therefor, and to be regulated by, and subject to all the general laws now in force, or hereafter to be passed for the regulation of railroads.

Sec. 4. That the capital stock of said company, shall not exceed one hundred and fifty thousand dollars, divided into shares of one hundred dollars each, and said persons out of their number shall elect a President and Secretary and Board of Directors, which election shall take place in Galveston, on or before the 10th day of August, 1861, who shall hold their offices until others are appointed under the by-laws of said company, and said company are authorized and empowered to make all by-laws and regulations for the government of said company, not in contravention of the constitution and laws of the State, and shall establish and keep their office in the city of Galveston.

Sec. 5. That said company shall complete said road and make said connection between the Galveston, Houston and Henderson, and Texas Central Roads, on or before the first of January, 1863: provided, that in case a connection by railroad shall be made through the city of Houston between the Texas Central and the Galveston, Houston and Henderson Railroad of the same gauge as those roads, by the 1st day of July, 1861, then all right under this charter shall cease and determine.

Sec. 6. That this act take effect from its passage.

Approved, April 8, 1861.

CHAPTER XXXIX.

An Act to enable J. H. Saunders, the guardian of Webster J. Saunders, to remove the property of his ward, from the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That J. H. Saunders may remove the property of his ward, Webster J. Saunders, from the county of Harrison in this State, to the State of Arkansas, one of the United States of America, whenever said J. H. Saunders, shall have produced to the Chief Justice of Harrison county, at some regular term of the county court, a full and complete transcript of the records

of a court of a competent jurisdiction in the State of Arkansas, properly authenticated, showing that he has been appointed guardian of the estate of said Webster J. Saunders, and given bond and security as may be required by the laws of the State of Arkansas, and is authorized by such court to receive said property.

Sec. 2. That this act shall be in force from and after its passage.
Approved, April 8, 1861.

CHAPTER XL.

An Act for the relief of William Eubanks, Assignee of Simeon Clemens.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue patent to Wm. Eubanks, Assignee of Simeon Clemens, on one certain survey in Lamar county, for two hundred and sixty-eight acres of land, surveyed by virtue of part of certificate No. 169, issued by the Board of Land Commissioners of Lamar county, for 320 acres, on the 30th day of December, 1841, class 4. and which is now on file in the General Land Office: provided, that this act does not interfere with the rights of third parties.

Sec. 2. That this act take effect from and after its passage.
Approved, April 8, 1861.

CHAPTER XLI.

An Act concerning the Alamo Ditch, in the city of San Antonio, and to regulate irrigation therefrom.

Section 1. Be it enacted by the Legislature of the State of Texas. That from and after the first day of January, A. D..

1862, the city of San Antonio shall have and exercise no control or authority over the Alamo ditch, and its branches, in the said city, and the former limits thereof, and the right of irrigation from said ditch, and branches, except so far as may be necessary to prevent nuisance, and to preserve the health of said city.

Sec. 2. That all persons, originally entitled to irrigation from said ditch, shall meet at the office of the Clerk of the County Court of Bexar County, on the 2nd Monday in the month of January, in each year hereafter, at ten o'clock in the forenoon, and elect, from their number, six Directors, and also a ditch Commissioner, who need not be of their number, whose term of office shall be one year and until the next election, unless said office be made vacant.

Sec. 3. The said Directors may meet at such time and place as they may deem necessary, four of whom shall constitute a quorum for business. They may elect a permanent chairman, and in his absence at any meeting, a temporary chairman. They shall keep a record of their transactions, and shall have power to ordain and establish all needful rules and regulations respecting the preservation, repairing and cleaning of said ditch and its branches, for the maintenance and repair of the dam, and all necessary water-gates, and for the distribution of water from said ditch and its branches, not inconsistent with ancient usage and the laws of this State, having a due regard to the rights of each person entitled to irrigation therefrom.

They may assess the amount of money to be paid by those entitled to irrigation, for the purpose aforesaid, and for the salary of the ditch Commissioner, and may enforce the collection of the same, either by suit in the name of the chairman before any court of competent jurisdiction, or by withholding the distribution of water from any person failing to pay the amount assessed against him, until payment thereof. They may also pass all necessary by-laws for their own government, and may appoint such officers as may be requisite to carry out the provisions of this act.

Sec. 4. It shall be the duty of the Ditch Commissioner to superintend and direct all work to be done upon said dam, ditch and its branches, and for this purpose, to employ and pay all necessary laborers to attend to and superintend the distribution of water from the said ditch and its branches, and to perform such other duties as may be imposed upon him by said directors, which they are hereby authorized to define. He shall be subject to the orders of said directors, and shall receive such compensa-

tion as shall be determined by them. He may be removed by said directors, if two-thirds of their body vote therefor, in which case a majority of such directors may appoint a successor to fill the vacancy.

Sec. 5. If any person shall take water from the said ditch or its branches, for irrigation, when not entitled to the same, or when withheld from him, as provided in section third of this act, he shall be subject to a fine of not less than ten nor more than twenty-five dollars, to be prosecuted and recovered before any Justice of the Peace of said county, in said city, in the name of the State, and any person who shall not pay any fine assessed upon him for violation of this section, shall be imprisoned, as provided in the case of non-payment of fines imposed for the violation of the criminal law of this State; such prosecution and conviction shall not prevent a civil action by every person who may have sustained damages by such unlawful taking of water. This section shall not be construed to prohibit the use of waste water at the termination of said ditch or branches.

Sec. 6. All fines that may be recovered under the provisions of this act, shall be paid to the Chairman of said Directors, to be applied to the salary of said Commissioner, or the payment of any expenses created under this act.

Sec. 7. All persons entitled to distribution of water from said ditch or its branches, shall be entitled to one vote for each hour of water to which they may be entitled. Those owning less than one hour may unite together and for each hour owned by them jointly, cast one vote, through the person deputed by them so to do.

Sec. 9. This act shall take effect and be in force from and after the first day of December next.

Approved April 8, 1861.

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THE STATE OF TEXAS.

I, Bird Holland, Secretary of State of the State of Texas, do certify that the Extra Session of the Eighth Legislature of said State, convened according to the proclamation of the Governor, at Austin, on Monday the twenty-first day of January, in the year one thousand eight hundred and sixty-one, and adjourned on Tuesday, the 9th day of April, the same year.

And I further certify that the acts contained in this volume, are true copies, taken from the original rolls deposited in the Department of State, with which they have been carefully compared.

Given under my hand and official seal, at the city
[L. s.] of Austin, the sixth day of May, A. D., one thousand
eight hundred and sixty-one.

BIRD HOLLAND,
Secretary of State.

GENERAL LAWS

OF

THE NINTH LEGISLATURE

OF

THE STATE OF TEXAS

BY AUTHORITY

HOUSTON
1862

GENERAL LAWS.

CHAPTER I.

An Act providing for the payment of the per-diem of the members and officers of the Ninth Legislature.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of twelve thousand dollars be and the same is hereby appropriated, out of any money in the Treasury not otherwise appropriated, towards the payment of the per diem of the members and officers of the Legislature, and the certificate of the Chief Clerk of the House of Representatives and Secretary of the Senate shall be authority for the Comptroller to draw his warrant upon the Treasurer for the several amounts to which the members and officers are respectively entitled.

Sec. 2. That this act take effect from and after its passage.

Approved November 21st, 1861.

CHAPTER II.

An Act to amend article 284 of the Penal Code of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That article 284 of the Penal Code be so amended as hereafter to read as follows:

If any person shall wilfully disturb any congregation assembled for religious worship, and conducting themselves in a lawful manner, whatever may be the religion professed by such congregation, he may be put under restraint by any peace officer, present, during the continuance of such religious worship; and in addition thereto, he shall, on conviction, be fined a sum not less than five nor more than one hundred dollars.

Sec. 2. This act [shall] be in force from and after its passage.

Approved November 23d, 1861.

CHAPTER III.

An Act to amend the 1st section of an act entitled, "An Act to amend the 4th section of the act of May 12th, 1846, entitled 'An Act to regulate the license and practice of Attorneys and Counsellors at Law;'" and to amend the 2d section of the act of February 11th, 1854, entitled "An Act to amend the 9th and 10th sections of an act to regulate the license and practice of Attorneys and Counsellors at Law."

Section 1. Be it enacted by the Legislature of the State of Texas, That the 1st section of the above entitled act is hereby amended, so that the same shall hereafter read as follows, to wit:

Every person admitted to practice law shall, before receiving license, take an oath that he will support the Constitution of this State, and the Constitution of the Confederate States, so long as Texas shall remain a member thereof; that he will honestly demean himself in the practice of the law, and will discharge his duties to his clients to the best of his ability. Which oath shall be endorsed upon his license, subscribed by him, and attested by the officer administering the same.

Sec. 2. That an act entitled as above, approved April 1st, 1861, be and the same is hereby repealed; and that this act take effect, and be in force from and after its passage.

Approved November 27, 1861.

CHAPTER IV.

An Act supplementary to an act entitled "An Act authorizing the issuing of Duplicate Land Warrants, Discharges, and Duplicates for Headright Claims," upon certain conditions.

Section 1. Be it enacted by the Legislature of the State of Texas, That when any person may have applied for and obtained a Duplicate Land Warrant, Discharge, or Headright Certificate, under the provisions of the act to which this is a Supplement, and may have lost such Duplicate, such person shall be entitled to demand and receive a Triplicate of the same, so lost, by complying with the above recited act.

Sec. 2. That this act shall take effect and be in force from and after its passage.

Approved November 27th, 1861.

CHAPTER V.

An Act to provide for the sale of certain property belonging to the State, now in the hands of the Adjutant General; and for the payment of the proceeds of such sale in money, Treasury warrants, or other liabilities of this State.

Section 1. Be it enacted by the Legislature of the State of Texas. That the Adjutant General be and he is hereby required to sell, or cause to be sold, within the limits of twenty days, and after having advertised said sale by notice sent out to other counties for at least ten days before said sale, or as soon thereafter as possible, at the city of Austin, and to the highest bidder, any and all perishable property now owned by the State, recently in the possession of Quartermaster Debray, consisting of mules, horses, ambulances, harness, camp equipage, &c.; the proceeds of such sale to be in money, Treasury warrants, or other legal or audited claims against the State of Texas, and by him paid into the Treasury; and that the necessary expenses of such sale be paid by the Treasurer, on the order of the Adjutant General.

Sec. 2. That fifty dollars, or so much thereof as may be necessary to carry into effect the provisions of section one of this act, be and the same is hereby appropriated out of any unappropriated money now in the Treasury; and that this act take effect from and after its passage.

Approved November 27th, 1861.

CHAPTER VI.

An Act to promote the construction of an efficient War Marine by the Confederate Government.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of five hundred dollars be and the same is hereby appropriated out of any money in the Treasury, not otherwise appropriated, for the purpose of assisting Robert Creuzbaur in submitting his invention, styled the "Sea King," to the War Department of the Confederate States for examination; and in the preparation of such drawings, and the construction of such models as may be required by that Department in making such examination.

Sec. 2. Be it further enacted, That the Comptroller be and he is hereby required to draw his warrant on the Treasurer, in favor of Robert Creuzbaur, for the sum appropriated by the 1st section of this act, and that the Treasurer pay the same as herein provided.

Sec. 3. Be it further enacted, That the said sum of five hundred dollars shall be returned into the Treasury of the State out of any profits which he, the said Robert Creuzbaur, may derive from the use of his invention.

Sec. 4. Be it further enacted, That this act take effect and be in force from and after its passage.

Approved November 27th, 1861.

CHAPTER VII.

An Act suspending all laws for the collection of debts and liabilities on bonds, promissory notes, bills of exchange, and contracts for the payment of money, until the first day of January, 1864, or until six months after the close of the present war should it terminate before the date named, or until otherwise provided by law.

Section 1. Be it enacted by the Legislature of the State of Texas, That until the first day of January, 1864, or until six months after the close of the present war, should it terminate before the date named, or until otherwise provided by law, all laws for the collection of debts, and liabilities on bonds, promissory notes, bills of exchange, and contracts for the payment of money, except in cases of official liabilities on the part of public officers, liabilities and indebtedness to the State, and also where money has been received on deposit, or in trust for those who may be entitled to the same, and for the collection of the interest on the money loaned at interest by guardians, belonging to their wards; are hereby suspended, provided that this act shall not be construed to forbid the issuance of writs of attachment, sequestration or injunction, nor the institution of necessary preliminary proceedings for that purpose in accordance with existing laws, and provided further, that this act shall not apply to any claim or demand against alien enemies, and provided further, that this act shall not be so construed as to interfere with the action of the Supreme Court in deciding all cases as now directed by law.

Sec. 2. That this act shall not apply to parties who have cases now pending in the Courts who agree in open Court to proceed to trial.

Sec. 3. That until the expiration of the time named in the first section of this act, or until otherwise provided by law; no execution or venditioni exponas founded upon any judgment, or decree, obtained previous to the passage of this act, shall be issued for the sales of property, nor shall there be any sales under execution, or writs of venditioni exponas now issued, or levied, unless the judgment-creditor, or his Agent, or Attorney, shall make an affidavit in writing, before the Justice of the Peace, or the Clerk of the Court to whom he shall apply for said execution, or venditioni exponas, that the defendant is about to remove his property beyond this State, or the County, where the judgment, or decree was rendered, or that he is about to transfer, or secrete, or has transferred, or secreted his property for the purpose of defrauding his creditors, and that thereby the plaintiff will probably lose his debt, and he shall also swear that the writ is not sued out for the purpose of injuring the defendant; provided, That any debtor or defendant who may have property in the hands of the Sheriff, or other officer, under levy of execution or venditioni exponas, shall, within sixty days after the passage of this act, replevy the same by giving bonds in double the value of the property or the amount of the debt, if it be less, with good and sufficient security, payable to the plaintiff in the writ, for the forthcoming of the property when the remedies for the collection of debts hereby suspended shall be revived.

Sec. 4. That this act shall not be construed to discharge the lien which has already been acquired by due process of law, nor shall the time during

which this law is in force, be computed in any case where the statute of limitation comes in question.

Sec. 5. That during the time named in this act, or until otherwise provided by law, it shall not be necessary to issue execution or writs of venditioni exponas to prevent judgments from becoming dormant, nor shall it be necessary for the holder of any bill of exchange or promissory note, to bring suit against the acceptor of such bill of exchange, or against the maker of such promissory note, in order to secure and fix the liability of any drawer or endorser of such bill of exchange, or any endorser of such promissory note.

Sec. 6. That during the time named in the first section of this act, or until otherwise provided by law, there shall be no sales of property under deeds of trust, or mortgages, or hypothecations in writing; but, the beneficiaries under the same shall be entitled to the benefits of the writ of sequestration in accordance with the existing laws; provided, That in all cases where the property conveyed by deeds of trust, or mortgages with power of sale in the mortgage, may be of a perishable nature, and liable to depreciation in value by lapse of time, the beneficiaries in such deeds of trust or mortgages, shall, after the maturity of the same, be entitled to the benefits of the writ of sequestration upon making affidavit in writing before the officer to whom he shall apply for said writ, as follows, viz:

First, That he holds an unsatisfied deed of trust, or mortgage upon the property sought to be sequestrated, and which shall be described in the affidavit, and shall also state that the debt secured by said deed of trust, or mortgage, is due and unpaid and the amount thereof.

Second, That said property is of a perishable nature, and is depreciating in value, or that it is being wasted by the person in possession of the same, and that by reason of such depreciation or waste, the security provided by such deed of trust, or mortgage, will become insufficient before the lapse of time provided for in this act, for the payment of the amount due on said deed of trust or mortgage,—and thereupon, said writ of sequestration shall be issued, and the property sequestrated may be replevied by the debtor or grantor in said deed of trust, or mortgage, or in default thereof by the beneficiary therein as now provided by law under the act regulating sequestrations.

Sec. 7. That during the time named in this act, or until otherwise provided by law, no property of any soldier, seaman, or marine, now or hereafter engaged in the military or naval service of the Confederate States of America, or the State of Texas, shall, during such service, be levied on under execution, or sold by virtue of any levy heretofore made. Nor shall the property of any such soldier, or marine, be subject to attachment or writs of venditioni exponas, or sequestration, during his continuance in said service.

Sec. 8. That this act shall take effect and be in force from and after its passage.

Approved December 7th, 1861.

CHAPTER VIII.

An Act legalizing the action of various County Courts in issuing Bonds for military purposes, and providing a tax for the redemption of the same.

Section 1. Be it enacted by the Legislature of the State of Texas. That the action of such of the County Courts of this State, as have issued, or provided for the issuance of county bonds of their counties for military purposes, or for the support and carrying on of the war, now existing between the Confederate States of America and the United States, is hereby validated in all respects, and such bonds shall be as valid and binding upon the counties issuing the same, as though they had been issued or provided to be issued in strict accordance with pre-existing laws: and all acts of such county courts in levy-

ing, or providing for the levy of taxes for the purpose of paying such bonds, or the interest thereon, are hereby validated and made, in all respects, valid and binding on such counties.

Sec. 2. This act shall be in force from and after its passage.

Approved, December 9, 1861.

CHAPTER IX.

An Act relating to forfeitures in certain cases of bail bonds and recognizances, in cases of misdemeanor.

Section 1. Be it enacted by the Legislature of the State of Texas, That during the continuance of the existing war between the Confederate States of America and the United States, no forfeiture of any bail bond or recognizance, executed or entered into by any defendant or surety for a defendant, witness, or surety for a witness, in any case of misdemeanor, shall be taken or entered by any court in this State, against such defendant, or surety for defendant, witness, or surety for witness, while such defendant or witness shall be in the military or naval service of the Confederate States of America, or of this State; nor shall any such forfeiture be taken or entered against any such surety of a defendant or witness, while such surety shall be in such service.

Sec. 2. This act shall take effect, and be in force from and after its passage, and shall cease to be of force or effect from and after the establishment of peace between the Confederate States and the United States.

Approved, December 9, 1861.

CHAPTER X.

An Act making an appropriation to defray the contingent expenses of the Ninth Legislature.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of four thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated to pay the contingent expenses of the Ninth Legislature.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved, December 9, 1861.

CHAPTER XI.

An Act defining the pay of the State Troops under the command of Col. John S. Ford, on the Rio Grande.

Section 1. Be it enacted by the Legislature of the State of Texas, That all State Troops called into service by authority of the Convention of Texas, or the Governor of the State, on the Rio Grande for the year 1861, under command of Col. John S. Ford, that served on the Lower Rio Grande, and were mustered out of service by Charles Lovenskiold, shall receive the same pay and allowance, as are allowed for similar services, according to army regulations, for the year 1857, as adopted by this State.

Sec. 2. That the Comptroller be authorized and required to audit all claims arising under the first section of this act, and cause the same to be paid out of any General Frontier appropriations.

Sec. 3. That this act take effect from and after its passage.

Approved, December 14, 1861.

CHAPTER XII.

An Act allowing the laws of any of the Confederate States to be received in evidence.

Section 1. Be it enacted by the Legislature of the State of Texas, That

a printed volume or book, purporting or appearing upon the face of it, to contain the laws of any State of the Confederate States of America, or any Territory thereof, may be received as prima facie evidence of the laws of such State, whenever such laws shall come in question in the trial of any cause in any court of this State.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved, December 17, 1861.

CHAPTER XIII.

An Act to amend the second section of An Act entitled An Act to regulate interest.

Section 1. Be it enacted by the Legislature of the State of Texas, That the second section of an act entitled "an act to regulate interest," be amended so that the same shall hereafter read as follows, to-wit: That on all written contracts, ascertaining the sum due when no specific premium or rate of interest is expressed, interest shall be taken, recovered and allowed at the rate of eight per centum per annum, from and after the said sum is due and payable; and that on all open accounts, when no specific rate of interest is agreed upon, interest shall be taken, recovered and allowed at the rate of eight per centum per annum, from the first day of January of each year, after such accounts are made.

Sec. 2. That this act take effect from and after its passage.

Approved, December 17, 1861.

CHAPTER XIV.

An Act to change the names of the Counties of Cass and Buchanan.

Section 1. Be it enacted by the Legislature of the State of Texas, That the names of the Counties of Cass and Buchanan, be changed to Davis and Stephens, respectively, (in honor of Jeff. Davis, President, and A. H. Stephens, Vice President of the Confederate States of America.)

Sec. 2. That all processes heretofore issued from either of said counties, be as valid as if the same had been issued in the name of the counties of Davis and Stephens.

Sec. 3. That all laws in conflict with this act be, and are hereby repealed; and this act take effect from and after its passage.

Approved, December 17, 1861.

CHAPTER XV.

An Act for the benefit of irrigable property.

Section 1. Be it enacted by the Legislature of the State of Texas, That any person or persons amenable to the laws governing irrigation, who may refuse to work on any ditch or aqueduct when summoned by the proper authority, may be cited before any Justice of the Peace in the precinct where he or they may reside, and fined not less than one nor more than five dollars, for each and every offence or refusal.

Sec. 2. That this act shall take effect and be in force from and after its passage.

Approved December 20, 1861.

CHAPTER XVI.

An Act to provide for the protection of the Frontier of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That there shall be raised a regiment of Rangers for the protection of the Northern and Western frontier of the State of Texas, to consist of ten companies, to be

raised as hereinafter prescribed, to be officered according to the rules and regulations of the Confederate States army, and the number of officers and privates, their pay and emoluments, shall be the same as in similar service in the Confederate States army.

Sec. 2. Said men shall furnish themselves with arms, horses and accoutrements, and shall be enrolled for a term not less than twelve months, unless sooner discharged; and at the expiration of their term of service others shall be enrolled to supply their places.

Sec. 3. The requisite number of men for said regiment shall be raised in the frontier counties, to wit: One company shall be raised in the counties of Clay, Montague, Cooke and Wise; one company shall be raised in the counties of Young, Jack, Palo Pinto and Parker; one company from the counties of Stephens, Eastland, Erath and Bosque; one company from the counties of Coryell, Hamilton, Lampasas, Comanche and Brown; one company from the counties of San Saba, Mason, Llano and Burnet; one company from the counties of Gillespie, Hays and Kerr; one company from the counties of Blanco, Bandera, Medina and Uvalde; one company from the counties of Frio, Atascosa, Live Oak, Karnes and Bee; one company from the counties of El Paso and Presidio; and one company may be raised in any section of the State the Governor may direct. And, provided, that the unorganized counties shall furnish men with the counties to which they are attached for judicial purposes, and every county named in this section shall have the privilege to furnish its proportion of men, in preference to all other applications; and when any company cannot be furnished with the requisite number of men from the counties named in this act, then the deficiency may be supplied from the nearest adjoining counties not named in this act.

Sec. 4. Said troops shall be stationed in detachments of not less than twenty-five men. When the requisite number of men shall have entered this service, and shall take their stations on the outside settlements of the frontier, as nearly as practicable in a direct line from a point on Red River to a point on the Rio Grande river, and thence down said river to its mouth, to be selected by the commanding officer, and the commanding officer shall select the posts at the direction of the Governor, in accordance with this act; and such stations shall be, if practicable, about twenty-five miles distant from each other, or so near each other that scouts shall pass over the ground between any two stations once every day. And further, that the companies, or parts of companies, shall be stationed on that part of the frontier in which they have been enrolled, and that the posts on Red River shall be supplied with additional force of not less than twenty-five men; and the company designated in the third section of this act, to be raised in any part of the State, shall be in readiness to report to any part of the line the Governor or commanding officer may think necessary.

Sec. 5. That the Governor is required, immediately after the passage of this act, to commission competent persons, one for every company and district, as set forth in this act, to enroll the number of men for a company, and when at least sixty-four men shall have been enrolled, they shall organize by holding elections for company officers, and the Captain elected shall return a muster-roll, and make such other reports as may be required by the Governor, to the Adjutant-General's department, and shall, as soon as ordered by the Governor, repair to the frontier, and perform duty on the plan laid down in this act, until otherwise directed by the Governor or superior officer.

Sec. 6. The Governor shall have power to appoint the field officers, as well as all other disbursing officers, pertaining to said regiment.

Sec. 7. The troops raised under and by virtue of this act shall be subject to the rules and regulations of the Confederate States army, but shall always be subject to the authorities of the State of Texas for frontier service, and shall not be removed beyond the limits of the State of Texas; and that it shall be the duty of the Governor to enclose a copy of his act to the Secretary of War, and to each of our Representatives in Congress, urging the acceptance of said regiment in the service of the Confederate States, as in lieu of one of the

regiments now upon said frontier, and as the most effective and economical mode of frontier protection.

Sec. 8. That no portion of said troops shall become a charge against the State until organized, as required by the fifth section of this act, and placed under orders.

Sec. 9. That an act to provide for the protection of the frontier of the State of Texas, passed February 7th, 1861, be and the same is hereby repealed, from and after the first day of March next.

Sec. 10. The Governor shall have power to disband said regiment whenever in his judgment the services shall no longer be necessary for frontier protection, should the same not be accepted by the Confederate Government, under the provisions of this act.

Sec. 11. That this act take effect and be in force from and after its passage.
Approved December 21st, 1861.

CHAPTER XVII.

An Act to repeal section 2d and section 5th of an act entitled "An Act to incorporate all military uniformed companies now organized, or to be organized in the State." Approved February 15th, 1858.

Section 1. Be it enacted by the Legislature of the State of Texas, That section two and section five of an act entitled "An Act to incorporate all military uniformed companies now organized or to be organized in the State," approved February 15, 1858, be and the same are hereby repealed, and this act to be in force from and after its passage.

Approved December 24th, 1861.

CHAPTER XVIII.

An Act to repeal an act supplemental to "An Act to regulate Estrays," approved February 5th, 1861; and "An Act to amend an act supplemental to an act to regulate Estrays," approved February 5th, 1861, approved April 6th, 1861; and to revive an act to regulate Estrays, approved February 5th, 1850, and an act approved December 17th, 1851, in certain counties hereinafter named.

Section 1. Be it enacted by the Legislature of the State of Texas, That an act supplemental to an act to regulate Estrays, approved February 5th, 1861; and an act to amend an act supplemental to an act to regulate Estrays, approved February 5th, 1861, approved April 6th, 1861, be and the same are hereby repealed within the counties of Smith, Cherokee, Anderson, Lamar, Shelby, Grayson, Leon, Madison, Houston, Trinity, San Augustine, Angelina, Dallas, Davis, Red River, Harris, Titus, Bowie, Upshur, Wood, Marion, Collin, Nacogdoches, Van Zandt, Henderson, Tarrant, Newton, Jasper, Tyler, Polk, Hardin and Orange; and that an act entitled an act to regulate Estrays, approved February 5th, 1850, and an act approved December 17th, 1851, be and the same are hereby revived within the above-named counties.

Sec. 2. That this act take effect and be in force from and after its passage, provided, that all estrays which are required to be sold before the courthouse door of these counties, shall be sold only on the first Tuesday in each month between the legal hours of sale.

Approved December 24th, 1861.

CHAPTER XIX.

An Act to amend the 1st section of an act entitled "An Act prescribing the order of determining cases in the Supreme Court," approved February 7th, 1861.

Section 1. Be it enacted by the Legislature of the State of Texas, That the first section of the above recited act shall be so amended as hereafter to read as follows, to wit:

That the cases on the dockets of the Supreme Court shall be determined in the order in which they stand upon the docket, or have been or may be submitted to the court, except where continued by consent, or to make parties; or for the return of any writ; or in cases which have been heard by two of the judges only, and they are unable to agree; or in cases in which the court are unable to form an opinion upon which a judgment can be entered, after investigating the same a reasonable time. And whenever a case is thus passed over it shall be the duty of the Chief Justice to enter upon the docket the reason therefor, and proceed with other cases upon the docket.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved December 27th, 1861.

CHAPTER XX.

An Act to perfect the organization of State Troops, and place the same on a war footing.

Section 1. Be it enacted by the Legislature of the State of Texas, That every able bodied free white male inhabitant of this State, between the ages of eighteen and fifty years, shall be liable to perform military duty under this act, except as herein provided.

Sec. 2. Postmasters, mail carriers, ferrymen on public roads, Judges of the Supreme and Districts, and clerks of said courts, Secretary of State, Comptroller and Treasurer of State, Chief Justices and clerks of the county courts, all officers of the Confederate States, engineers and conductors on railroads, officers and crews of steamboats, sheriffs and officers of the Penitentiary, shall be exempt from the performance of military duty as prescribed by this act.

Sec. 3. The whole of this State shall be divided into thirty-three Brigade Districts as follows, to-wit: Brigade No. 1, shall be composed of the county of Galveston; Brigade No. 2, shall be composed of the counties of Chambers, Liberty, Polk, Tyler, Hardin, Jasper, Newton, Jefferson and Orange; Brigade No. 3, the counties of Angelina, Nacogdoches and San Augustine; Brigade No. 4, the counties of Sabine, Shelby and Panola; Brigade No. 5, the county of Rusk; Brigade No. 6, the counties of Harrison and Upshur; Brigade No. 7, the counties of Davis, Marion and Bowie; Brigade No. 8, the counties of Titus and Red River; Brigade No. 9, the counties of Lamar and Hopkins; Brigade No. 10, the county of Cherokee; Brigade No. 11, the counties of Houston, Anderson and Trinity; Brigade No. 12, the counties of Wood, Smith and Van Zandt; Brigade No. 13, the counties of Kaufman, Dallas and Henderson; Brigade No. 14, the counties of Fannin and Hunt; Brigade No. 15, the counties of Grayson and Collin; Brigade No. 16, the counties of Brazoria, Fort Bend and Harris; Brigade No. 17, the counties of Montgomery, Grimes and Walker; Brigade No. 18, the counties of Madison, Leon, Robertson, Brazos and Burleson; Brigade No. 19, the counties of Limestone, Freestone, Ellis and Navarro; Brigade No. 20, the counties of Johnson, Tarrant, Erath, Parker and Palo Pinto; Brigade No. 21, the counties of Cook, Denton, Wise, Montague, Jack, Young, Clay, Wichita, Archer, Wilbarger, Baylor, Throckmorton, Hardeman, Knox, Haskell, Stephens, Shackelford and Jones; Brigade No. 22, the counties of Matagorda, Wharton, Colorado and Fayette; Brigade No. 23, the counties of Austin and Washington; Brigade No. 24, the counties of Calhoun, Jackson, Victoria, DeWitt and Lavaca; Brigade No. 25, the counties of Gonzales, Guadalupe and Caldwell; Brigade No. 26, the counties of Bastrop, Travis and Hays; Brigade No. 27, the counties of Milam, Williamson, Burnet, Bell and Lampasas; Brigade No. 28, the counties of Falls, Coryell, McLennan, Bosque, Comanche, Brown, Hamilton, Eastland, Callahan, Coleman, Taylor, Runnels and Hill; Brigade No. 29, the counties of Refugio, San Patricio, Nueces, Goliad, Bee, Live Oak, Karnes, McMullen, LaSalle and Dimmitt; Brigade No. 30, the counties of Bexar and Wilson; Brigade No. 31, the counties

of Blanco, Comal, Bandera, Kerr, Gillespie, Llano, San Saba, Medina, Uvalde, McCulloch, Concho, Mason, Menard, Kimble, Edward, Dawson, Kinney, Maverick, Atascosa, Frio and Zavalla; Brigade No. 32, the counties of Cameron, Hidalgo, Starr, Zapata, Webb, Encinal and Duval; Brigade No. 33, the counties of El Paso and Presidio.

Sec. 4. The State troops of each military district shall be divided into companies, battalions, regiments and brigades: each company shall consist of not less than thirty-two nor more than one hundred, non-commissioned officers and privates. Battalions shall consist of not less than three, and when formed into regiments, not more than five companies. A regiment shall consist of not less than two battalions, and a brigade shall consist of not less than two regiments; Provided, nothing in this act shall prevent the different arms of service of the State troops adapting their respective organization to the corresponding arms of the Confederate States army.

Sec. 5. There shall be to each company one Captain, one First Lieutenant, two Second Lieutenants, four Sergeants, and four Corporals, and two Musicians.

Sec. 6. There shall be to each regiment, one Colonel, one Lieutenant-Colonel, one Major, and the following staff officers, to-wit: one Adjutant, with the rank of First Lieutenant, one Quartermaster, who shall also act as paymaster, one Commissary, one Assistant Surgeon, each with the rank of Captain, one Surgeon, with the rank of Major, one Sergeant Major, one Quartermaster Sergeant, and two Chief Musicians, and one Chaplain, with the rank of Captain. The regimental staff shall be appointed and shall hold their respective offices at the pleasure of the Colonel of the regiment.

Sec. 7. There shall be to each brigade one Brigadier-General, with the following staff officers: one brigade Major, one brigade Adjutant and Inspector General, who shall serve as Judge Advocate, one brigade Quartermaster, who shall serve also as paymaster, one Commissary, each with the rank of Major, one Aide-de-Camp with the rank of Captain.

Sec. 8. The rank of officers of equal grade shall be determined by seniority of commissions, but when commissions of equal date exist, the rank shall be determined by lot to be drawn by the officers holding such commissions, in the presence of their respective commanders, whether of regiment, battalion or companies, and shall be endorsed upon their respective commissions; but when commissions issued to Brigadier-Generals are of the same date, the rank shall be determined by lot drawn by the Adjutant-General.

Sec. 9. The organization of the Militia of the State heretofore effected under the Act of February 14th, 1860, shall be preserved so far as is consistent with the provisions of this act, and shall hereafter be regulated by the same; and all officers elected by virtue of the act of February 14th, 1860, shall continue to exercise the duties of their several offices until the first day of April, 1862, or until such time thereafter as their successors may be elected and qualified under the provisions of this act, unless such officers sooner resign or be removed: and there shall be elected under orders of the Brigadier-Generals, in accordance with this act, on the last Saturday in March, 1862, company and field officers, to succeed those now in office under the act of February 14th, 1860. And if for any cause an election should not be held in any case, according to the provisions of this section, in such case an election shall be immediately ordered by the regimental or brigade commandant, as the case may be, giving ten days notice thereof, and all commissions issued under the provisions of this act shall expire at the end of three years from their date, except those of Brigadier-Generals.

Sec. 10. It shall be the duty of the Brigadier-General in each brigade, immediately after the passage of this act, to appoint and authorize the senior Justice of the Peace, in each precinct, and in such precincts as have no Justice of the Peace, the Brigadier-General shall appoint some fit and suitable person, as enrolling officer of such precinct, where the militia have not already been enrolled and companies organized as contemplated by the foregoing section, whose duty it shall be, within ten days after notice of his appoint-

ment, to enroll all persons within his precinct subject to military duty under the provisions of this act, and such enrolling officer, immediately upon completing the enrollment within his precinct, shall, within five days, make duplicate copies of said enrollment, one of which he shall forward to the Brigadier-General, and the other he shall retain until the troops enrolled by him have been organized by the election of company officers. said enrolling officer shall, upon the completion of enrollment, immediately order an election for company officers, giving ten days notice by posting advertisements in three or more places in said precinct, designating the time and place of said election. He shall act as judge of said election, and shall appoint two persons to act as assistant judges of said election, and within five days after such election shall certify the result of said election, and forward the same, together with the poll list, enveloped and sealed, to the Brigadier-General, upon whose certificate to the Adjutant-General, commissions shall be issued to the persons elected, but the company officers shall proceed to the discharge of the duties of their respective offices, upon the certificate of election from the Brigadier-General, in the same manner and effect as if commissioned by the Governor.

Sec. 11. The enrolling officers appointed as above provided shall continue in office during the pleasure of the Brigadier-General, and whilst in office they shall promptly and faithfully obey all orders of the Brigadier-General and officers in command of the regiment or battalion to which such enrolling officer may be attached, and such Justice of Peace or enrolling officer may be punished upon conviction by a court having competent jurisdiction, by a fine of not less than twenty-five nor more than fifty dollars for any and every delinquency or disobedience of orders of which he or they may be guilty, all persons refusing to respond to the satisfaction of the enrolling officer shall be returned by such officer as liable to military duty.

Sec. 12. It shall be the duty of the Brigadier-General, within ten days after the receipt of the returns of the election of the company officers to divide his Brigade into regiments and battalions, and independent battalions may be formed in counties where the population is insufficient to form a regiment, and in such parts of counties where settlements may be separated or isolated by natural causes, and shall within twenty days thereafter order an election for one Colonel, one Lieutenant Colonel and one Major of each regiment by issuing an order to the enrolling officers, requiring them to post such order of election in three public places in each company beat composing such brigade district, at least ten days previous to such election, and such Justices of the Peace, or enrolling officers, as were appointed to enroll and hold election for company officers, shall, on the day designated by the order of the Brigadier-General, open the poll for the election of said Colonel, Lieutenant Colonel and Major, and shall keep a correct roll of every vote cast, whether for Colonel, Lieutenant Colonel or Major, which shall be certified to by the officer holding such election, signed, sealed and transmitted within ten days to the Brigadier-General, and it shall be the duty of the Brigadier-General to open such returns and issue to such persons as may have received the highest vote cast, whether for Colonel, Lieutenant Colonel or Major, a certificate of such election, and shall immediately transmit to the Adjutant-General, a certificate of such election, whereupon commissions shall be issued to such parties, and any person having been elected Colonel, Lieutenant Colonel or Major, and having received a certificate of such election from the Brigadier-General, shall immediately proceed to the discharge of their duties, and shall be respected accordingly.

Sec. 13. The Brigadier-Generals appointed as herein before provided, shall, within ten days after the regimental and battalion organization has been completed, order an election for Brigadier-Generals, after giving twenty days notice of said election. And it shall be the duty of the Captains or officers in command of companies to advertise said election in the manner provided herein for other elections, and to open the polls and hold said election on the day designated in the order therefor, said election shall be held and regulated in all respects as elections for company officers. The Captain or officer in com-

mand of the company being the judge of election, and having power to appoint two assistant judges. The returns of said election shall be immediately made to the Adjutant-General, who shall, after the expiration of thirty days, or so soon as the returns from all the precincts have been received by him, proceed to open and compare said returns, and shall issue commissions to the persons receiving the largest number of votes at said election. The person so elected and commissioned shall hold his office for the term of four years from the date of his commission.

Sec. 14. It shall be the duty of the Captain to enforce within his company the military laws of this State, and the commands of his superior officers; he shall assemble his company at least once every two weeks during the continuance of the present war, and shall instruct, drill and exercise it in the school of the soldier and company. He shall be responsible for the correct instruction and good order of his company; he shall constantly keep in office in his company the full number of non-commissioned officers required by law: he shall report all defaulters for neglect of military duty to the first courtmartial authorized to try the same: he shall cause such offenders to be summoned to attend such court-martial, which he shall furnish with the evidence of such summons: he shall have power to order and enforce the re-enrollment of all persons within his military beat, as often as he may think necessary to promote the efficiency of his command, and he shall have power to impose such punishment by arrest, imposition of fatigue duty, or other punishment, for disobedience of orders, or unmilitary conduct whilst on parade or on duty, as in his discretion he may deem necessary and proper, being responsible for the improper use of authority as hereinafter provided.

Sec. 15. Every officer, non-commissioned officer and private composing any company organization, and every person residing in any company beat, liable to perform military duty as is required by this act, who shall fail to attend any company muster and perform duty thereat, shall, without having been excused by the Captain, be guilty of an offence, and may be fined in the sum of not less than one nor more than five dollars together with all costs, for such disobedience of orders, to be collected as herein provided, notice given by the Orderly Sergeant before dismissing his company, or by being posted at three public places within the company beat for five days previous to any company muster shall be deemed legal notice thereof.

Sec. 16. At each and every company, battalion or regimental muster, the company roll shall be called by the orderly sergeant, upon the formation of the company, and all absentees noted by him, and reported to the officer in command, and on the muster day next succeeding the muster of each company at which there may have been any delinquencies, the Captain or officer in command of each company, shall hear the excuse of said delinquent, and if in his judgment it shall not be sufficient, then he shall immediately return to the nearest Justice of the Peace, a certified list of the names of all delinquents, which shall be prima facie evidence of the delinquencies stated therein, and it shall be the duty of said Justice of the Peace to issue citation in the name of the State of Texas, directed to any legal officer of the county commanding him to summon the person named therein, to be and appear before him on a day stated, not less than three nor more than five days from the date of said citation, and said Justice of the Peace shall proceed to hear and determine the cause shown by said delinquents, if any, why judgment should not be rendered against him for the penalty provided for in this act, which cause shall be rendered under oath, and upon the rendition of judgment, it shall be the duty of said Justice of the Peace to issue execution to be levied upon the goods and chattels of said delinquents for the amount of the fine and cost adjudged against him, and all personal property belonging to the delinquent shall be subject to sale under said execution, any law to the contrary notwithstanding, provided, that any delinquent may discharge said delinquency by paying to the commissioned officers, such fine as they may assess against him for said delinquency, within the provisions of this act, and should there be no property of the delinquent out of which to make said fine and costs,

then, and in that event he shall be liable to arrest, and to be held in custody not less than one, nor more than five days, and all sums of money so collected shall be paid over to the Captain commanding such defaulters, and by him used as a company fund.

Sec. 17. Each person elected an officer in any company, who shall accept the commission, shall be compelled to serve in the office to which he shall be elected for twelve months, under a penalty of twenty dollars, unless he shall be promoted or removed out of the limits of his command, or become from bodily or mental infirmity, incapable of performing the duty thereof, or be deprived of his commission by the sentence of a court martial, or unless his resignation shall be accepted by his superior officer.

Sec. 18. If any beat company shall neglect or refuse to organize by the election of company officers as herein provided, or the person elected shall refuse to accept such office, it shall be the duty of the Brigadier General to appoint and certify for commission, some fit persons in such beat to fill such offices, and they shall be compelled to serve in such offices for twelve months, under the penalty of fifty dollars, unless they shall be sooner promoted, or from bodily or mental infirmity, become incapable of performing the duties thereof, or remove out of the limits of the command, or unless the company shall sooner elect officers; and whenever vacancies occur in any company by resignation or otherwise, and such company shall refuse to elect officers for twenty days thereafter, the Colonel or commanding officer shall appoint some suitable person who shall serve as captain under the penalty of fifty dollars, and he shall commission as often as the appointment shall be refused, and in every case of refusal, the penalty shall be enforced.

Sec. 19. Every commissioned officer shall, within twenty days after entering upon the duties of his office, take and subscribe before any officer of the State, qualified to administer oaths by law, the following oath or affirmation, to-wit: I, —, do solemnly swear or affirm, that I will be faithful, and true allegiance bear to the State of Texas, so long as I may be a citizen thereof, and that I will, to the best of my ability, discharge the duties of —, and that I will preserve, protect and defend the Constitution of the State of Texas, and of the Confederate States,—so help me God.

Sec. 20. It shall be the duty of the Colonel to select some fit place for regimental or battalion instruction and drill, within his regimental district, and shall have the power to compel the State troops composing his regiment or battalion, to assemble on the place so selected by him, at least once in every two months, for instruction and drill, and he shall have the power to order encampments of the State troops at any place within the limits of his command, for at least four consecutive days in every three months, or oftener if approved by the Brigadier General of the brigade, and the Colonel of every regiment shall have the power to call out all the commissioned and non-commissioned officers of each company of his regiment as often as he may see fit, who shall assemble at such place and at such time as he may designate, and he shall instruct such officers in regimental, battalion or company drill for not less than four hours in each day, when so assembled, and any such officer failing to attend at the time and place, when notified thereof, and failing to perform such duty as may be required of him, shall be court martialed and subject to a fine in a sum of money not less than five nor more than twenty dollars, unless good and valid reason be shown for such neglect, or refusal, and any non-commissioned officer or private who shall refuse or fail to attend at the time and place designated for such regimental or battalion drill, or who shall fail to attend throughout the encampment, and perform the military duties required by the officers in command, unless excused, shall be court martialed, and liable to be fined in the sum of two dollars for each day's non-attendance, unless excused by the court, and if the judgment of the court martial shall be that the delinquent or officers failing to perform duty should be fined, the Judge Advocate shall immediately certify such fact and delinquency to the Justice of the Peace nearest the residence of the delinquent or officer failing to perform duty, and the Justice of the Peace shall thereupon

proceed as provided in section sixteen of this act, provided, the delinquent or officers failing to perform duty and adjudged subject to be fined, may be discharged upon the payment of such amount as may be assessed by said court martial. All fines collected or paid as herein provided, shall be paid over to the regimental Quartermaster.

Sec. 21. Every person elected Colonel, Lt. Colonel or Major under the provisions of this act, and having accepted the commission thereof, shall be compelled to serve for twelve months, unless his resignation shall be accepted by his superior officer, and in case of refusal, shall be court martialed by order of the Brigadier General, and liable to be fined in the sum of not less than twenty nor more than one hundred dollars.

Sec. 22. All elections in the military department which may hereafter be contested, shall be determined in the following manner, viz: If the election of a Brigadier General, the complainant shall make complaint and application to the Governor, who is, upon the receipt thereof, required to order a brigade court of inquiry, and when the election of a Colonel, Lt. Colonel or Major of a regiment shall be contested, complaint and application shall, in like manner, be made to the next highest officer in command, who, upon receipt thereof, shall order a separate regimental court of inquiry accordingly, if under the rank of a field officer, all complaints and applications shall be made to the commanding officer of the regiment or separate battalion where the contest exists, and the person contesting shall, in all cases, be bound to furnish satisfactory proof to the court that the person whose election is contested, did receive a number of illegal votes, which, if deducted, would give a majority to the person contesting, and if the contesting person shall fail to establish his charge, or if the charge shall be sufficiently supported in either case, the court shall report in favor of the person having the greatest number of legal votes as being duly elected, and the President of each court of inquiry, shall certify under his hand, the name or names of the person thus duly elected which certificate, if the officer shall be of the grade, of general or field officer, shall be directed and sent to the Governor; if commissioned officers of companies, the certificate shall be signed as aforesaid, and be directed and sent to the Colonel of the regiment or Lt. Colonel of the separate battalion, and by him to the Governor, who shall issue commissions in either of the above cases; and in order to provide more amply for deciding contested elections, it is hereby declared, that when the cause shall arise from any illegal proceedings of any person ordering, conducting, or judging said election, on proof thereof being made satisfactory to the court of inquiry, such election shall be declared void, and the President, by and with the authority of such court of inquiry, shall direct the proper officer to issue an order or orders for an election to fill such vacancy, which election so ordered, shall in all things be conducted in the same way as other elections, to fill vacancies in like offices, are by this act directed, and all courts of inquiry shall be constituted as is provided in this act for court martial.

Sec. 23. If any commissioned officer shall move out of the bounds of his division, brigade or regiment, separate battalion or company; or offer himself a candidate for any other military appointment, or shall be absent therefrom otherwise than on military duty, for more than twelvemonths at one time, his office thereby shall become vacated; and if any commissioned officer shall think himself injured by his superior officer, and shall, upon due application made to him, be refused redress, he may complain to the Brigadier General, who shall order a brigade court of inquiry, to be held under the rules and regulations prescribed by this act; if any inferior officer or private shall think himself injured by his Captain or any other superior officer in the regiment or separate battalion to which he belongs, he may complain to the commanding officer of the regiment or separate battalion, who shall order a court of inquiry, and such court shall determine the complaint agreeably to the nature of the case.

Sec. 24. When any commissioned officer shall be charged with mal-administration or neglect of duty, it shall be lawful for any commissioned officer to

exhibit to the Brigadier General of the brigade, a fair statement in writing, of the charge or charges and the facts intended to establish the same, and the Brigadier General is hereby authorized to order a brigade court martial to consist of at least five commissioned officers, who, when assembled, shall take and subscribe the oath prescribed for court martials; and the court being thus sworn, shall inquire into the nature and truth of the charge or charges, and if the officer accused shall be found guilty, he shall be liable to pay not less than ten nor more than one hundred dollars, or shall be cashiered at the discretion of the court, but no sentence of any court martial cashiering any officer, shall be final, until the same be laid before the Commander-in-Chief, and by him approved, if the officer cashiered shall pray an appeal from such decision to him, otherwise the same shall be final. Every officer to be tried by a court martial, shall have ten days notice given him of the time and place appointed for the trial, and shall be furnished with a copy of the charges exhibited against him at least ten days before the sitting of said court. In every court martial, for the trial of an officer not less than two-thirds of the number present shall agree in the sentence or judgment of said court; otherwise the person charged shall be acquitted; and when the members shall be required to give their votes on a question or decision, they shall begin with the youngest in commission; provided, that no commissioned officer shall be allowed to resign his commission while under arrest.

Sec. 25. When the Brigadier Generals shall be charged with malfeasance or neglect of duty in office, it shall be lawful for any commissioned officer to exhibit to the Governor, for the time being, a fair statement of the charge or charges, with the facts intended to establish the same, who is hereby authorized to order a general court martial, to consist of at least nine members, none to be chosen under the grade of a field officer, who, when convened, shall take and subscribe the same oath prescribed for other courts martial; the said courts thus sworn, shall have power to enquire into the nature of the offence; if found guilty, he may be removed from the same; if for neglect of duty, he shall forfeit and pay a sum not to exceed one hundred dollars, at the discretion of the court martial, to be collected as in similar cases of fines, or deprived of his commission at the discretion of the court; and the President of the court martial shall give at least ten days notice of the time and place appointed for trial, and cause such witnesses as may be required by either party to be summoned by the Adjutant of the regiment in which they reside; and every person so summoned and failing to attend, or refusing to be sworn, shall be tried by the court martial, and if he be an officer, may be cashiered, or may be fined at the discretion of the court martial, not exceeding fifty dollars; if a non-commissioned officer, or private, he may be fined not exceeding twenty dollars, and, moreover, he be confined under guard, or put in jail until he will give evidence.

Sec. 26. If any member of a court martial shall be challenged by the accused, he shall state the cause of his objection, which the court shall consider and determine; and if any person arraigned before a court-martial shall stand mute, refuse to plead, or answer foreign to the purpose, or if any one summoned to make his defence before a court-martial shall neglect or refuse to appear, or to send his defence in writing, sworn to before some one authorized to administer such oath, the court shall proceed to try and adjudge the case, as if he had pleaded not guilty; but in every such case the person against whom judgment may be rendered, or any one dissatisfied with such decision, shall have the right within thirty days after its publication, to appeal to the officer ordering the court, accompanying the same with an affidavit, that he could not attend the court, nor render his defence in writing to the same, or that he could not, for some cause, which shall be stated, make his defence to such court without neglect or design on his part, and that the appeal is not merely for delay.

Sec. 27. Each Judge Advocate, previous to entering on the duties of his appointment, shall take an oath to support the Constitution of the Confederate States, and of the State of Texas, and also that he will well and truly perform

the duty of Judge Advocate, according to law and the best of his skill and abilities: which oath shall be in writing, signed by the Judge Advocate, and attested by the officer who administered the same; the Judge Advocate thus sworn shall administer the following oath to the officers previous to their entering on the duties of any court martial, viz: You, and each of you, do solemnly swear, that you will well and truly enquire into the delinquencies which may appear, or returns which may be laid before you, without favor and affection, partiality or prejudice: and that you will not disclose or discover the vote or opinion of any particular member of this court, unless required to give evidence thereof in a court of justice, so help you God. It shall be the duty of the Judge Advocate to provide a book, in which he shall record the proceedings of the court martial, which are or shall be required by law, and, for his services, be allowed the sum of three dollars per day for attending regimental or battalion courts-martial, which it shall be his duty to attend, to be paid out of the fines arising under this act. If from any cause, a Judge Advocate should fail to attend a court-martial, as provided in this act, it shall be the duty of the officers present to appoint a Judge Advocate for the time being; and in case of his death, resignation or removal out of the county, or from his office, the journals and proceedings shall be kept by the Colonel or commanding officer until a Judge Advocate shall be appointed in his stead. He shall make a faithful record of the proceedings of such court, which, after being read over in their hearing, shall be signed by the President and himself, and transmitted to the officer ordering the court, and no such sentence shall be executed until approved by such officer; if any officer ordering a court-martial shall be promoted, resign, die, or vacate his position by removal or by any other way, before the sentence shall have been executed, the proceedings of such court-martial shall be transmitted to his successor in command, who shall have the same power in regard to such proceedings as if he had originally ordered the court.

Sec. 28. No officer or private, ordered or directed by this act to appear as aforesaid, shall be liable to be taken or arrested by any officer in any civil action or process whatsoever on the day such person is directed to appear, or in any reasonable time in going to, continuing at or returning from the same; and every such arrest is hereby declared void.

Sec. 29. The Governor shall appoint one Adjutant and Inspector-General, with the rank of Colonel of cavalry; with the advice and consent of the Senate, who shall be liable to be removed by the Governor, who shall receive a salary of two thousand dollars, and shall give bond and security for the faithful performance of the duties of his office in the sum of five thousand dollars, to be approved by the Governor. He shall keep a Military Bureau in the city of Austin, in which he shall keep a true record of the number and rank of each brigade and regiment in the State; he shall procure a record, annually, of the strength, arms and equipments of the State troops, the names, ranks and dates of commissions of all the Generals and field officers; shall record all military orders received by him, and generally all matters which relate to his office or the State troops, and which, in his opinion, may be necessary to enable him to exhibit the true strength, character and condition of the military force of the State; he shall once a year visit and inspect the arsenals and magazines in the State, and report to the Governor their condition, the number, kind and condition of arms, equipments and public stores in each, the number and description of public arms and equipments distributed to the State troops each year, and the condition and disposition of such distribution; and all Quartermasters and other officers having charge of other departments shall, when required, make full reports to him of the different matters committed to their charge. He shall distribute all orders from the Governor to the several corps, and obey all orders from him, furnish blank forms of different returns that may be required, and explain the principles on which they should be made; he shall make a return of the State troops, with their arms, ammunition and accoutrements, whenever required by law, to the President of the Confederate States, and shall be charged with all correspondence on military affairs: he shall also be Quartermaster and Commissary-General, and his duties shall

be to collect and take charge of all public property belonging to the military of this State, or for military uses, which have not been regularly issued by the State, and his general duties shall be similar to the duties of the Quartermaster and Commissary General of the Confederate States. In addition to said duties, he shall perform the duties of Ordnance officer, and he shall have power to appoint one Assistant Quartermaster-General, with the rank of Captain, who shall receive a salary of twelve hundred dollars per annum, and by and with the consent of the Governor shall, whenever the business of his office requires, employ one or more clerks, at a salary not to exceed seventy-five dollars per month.

Sec. 30. The Governor shall appoint one Aide-de-Camp in each Congressional District in this State, with the rank of Colonel.

Sec. 31. Every commissioned officer shall be furnished with one copy of this Act, at the expense of the State; and every officer shall, when he goes out of office, deliver to his successor in office all books and forms furnished him by the State, or received from his predecessor in office, and also all books and papers, in his possession, belonging to his division, brigade, regiment, battalion or company; and every officer who shall neglect or refuse so to do, shall be fined twenty dollars per month for every month he shall so neglect or refuse, after a demand thereof has been made by his successor, to be recovered before any Justice of the Peace having jurisdiction thereof.

Sec. 32. Each regiment shall be provided with the State and regimental colors by the field officers, and each company with a drum and fife, or two bugles, to be paid for out of any moneys arising from fines, or appropriated in any manner as a regimental or company fund.

Sec. 33. The Governor shall have power and authority to grant a furlough or exemption from duty to any officer or private of the State troops of this State for such time as to him shall seem reasonable. A Brigadier-General shall have power to grant a furlough to any officer of his brigade for a time not exceeding three months in any one year. A Colonel shall have power to grant a furlough to any officer of his regiment for a time not exceeding one month in any one year; but no furlough shall be granted without good and sufficient cause.

Sec. 34. During any invasion, insurrection or rebellion, whenever in the opinion of the Governor the interest of the State demands that the State troops be called into the field, or whenever the President of the Confederate States shall call upon the Governor of this State to furnish an additional amount of soldiers for the prosecution of the present war, the Governor shall issue his proclamation for any designated number of volunteers to take the field; and should the number offering be insufficient to meet the demand, the Governor shall, in that event, direct such Brigadier-Generals as he may see fit, to order a draft, as is herein provided, to-wit: the Captain or commanding officer of such companies as are ordered out, shall cause the names of all persons enrolled in the muster-roll of such company (officers excepted) to be written down on small pieces of paper, which shall be folded up and put in a hat, and shaken together, and the clerk or sergeant of said company shall draw out of the hat the names of so many persons as will not exceed three-fourth part of said company, and the persons whose names shall be so drawn shall be obliged to march according to such orders as shall be given by the Governor or officer in command, but no officer of any company shall be excused from marching with the company, unless by permission of the Governor or officer in command.

Sec. 35. If any person whose name is drawn as aforesaid and is thereby obliged to march out of his county, district or State, can provide an able-bodied white man who shall be approved by a majority of the commissioned officers of the company to which such person belongs, armed and equipped according to order, every such person shall be permitted and at liberty to do so, and upon producing such able-bodied man in his stead, he shall be excused from marching in person.

Sec. 36. The State troops when called out by the Governor and placed into actual service, shall have the same pay and rations, and be governed by the same rules and regulations as soldiers of the army of the Confederate States, and all offences committed by any officer, non-commissioned officer or private of the State troops, against said rules and regulations, shall be tried and determined by a court-martial, composed of officers of the State troops, but it shall be in the power of the Governor to mitigate, pardon or cancel the finding of any such court-martial.

Sec. 37. All volunteer companies of this State, organized under an act, approved February 15th, 1858, are hereby incorporated into and shall form a part of, and be attached to the regiment of the State troops within their respective brigade, and shall turn out and perform duty with the same upon all battalion, regimental or brigade drills, parades or encampments, and whenever any such volunteer company shall be called into active service by the Governor of the State, or ordered out by the Brigadier General, within the limits of his brigade, to suppress insurrection or repel invasion, such volunteer company shall have the privilege of going out as a whole company; but should such volunteer company refuse to march as a whole company, it shall forthwith be dissolved by order of the Governor, and when a member of any volunteer company shall refuse to obey the orders of the Brigadier General in refusing to perform duty prescribed by this act, such person shall be liable to the fines and forfeitures as persons of like grade of the State troops, to be collected as is herein provided.

Sec. 38. When any volunteer company shall be dissolved, each member thereof shall forthwith enroll himself in the best company in which he resides, or shall become a member of some other volunteer company; and every person that shall neglect or refuse to do so, shall be enrolled by the sergeant, clerk or enrolling officer of the best company, who shall perform all military service required of him under such penalties as are prescribed by this act in such cases made and provided.

Sec. 39. All returns required of State troops shall also be required of all volunteer companies, and every volunteer company, organized, or which may be hereafter organized, shall report such organization to the Adjutant General, and any company of men banding themselves together as a military company, bearing arms, who shall fail to report themselves to the Adjutant General for organization as is required by law, within two months after the passage of this act, each officer and member thereof shall be deemed guilty of a misdemeanor, and liable to indictment and fine, to be recovered in the District Court, in a sum of not less than twenty-five nor more than one hundred dollars for any such violation, except such troops as are now authorized to be organized by the Confederate Government.

Sec. 40. The Governor shall have the power to cancel the commission of any Brigadier General appointed under the militia act of February, 14th, 1860, and such Brigadier Generals as may be retained by the Governor, shall be immediately notified of the same through the office of the Adjutant General.

Sec. 41. The system of discipline and exercise which is and shall be ordered to be observed by the regular army of the Confederate States, shall be observed by the troops of this State, and the commanding officers of the several brigades shall cause the troops within their respective commands to be disciplined and trained conformably thereto in all things not otherwise directed by this act; and in all cases not specially provided for by this act, such provisions of law as have been or may be made by Congress for the government and direction of the army of the Confederate States in similar cases, shall be binding upon and be observed and conformed to by the troops of this State, and the forms and rules of proceedings of all courts-martial, not provided for in this act, shall be such as are established by the rules and articles of war adopted and used in the military service of the Confederate States.

Sec. 42. In all cases of fines imposed by this act, unprovided for after the court-martial shall have heard the cause and are of the opinion that the party or parties charged are guilty, and subject to a fine as imposed by this act, the presiding officer of the court shall certify the same to the Justice of the Peace

nearest the party charged, who shall in all such cases proceed as directed in the sixteenth section of this act.

Sec. 43. All persons raising or organizing troops in this State under the authority of the Confederate States, shall, before the removal of said troops from this State, file in the office of the Adjutant General, a complete muster roll of said troops.

Sec. 44. The sum of one thousand dollars, or so much thereof as is necessary, is hereby appropriated out of any unappropriated funds in the Treasury, for the purpose of purchasing forms, books, &c., necessary to carry this act into effect, and that an act entitled an act to organize the militia of the State of Texas, approved February 14th, 1860, be and the same is hereby repealed, and that this act take effect and be in force from and after its passage.

Approved, December 25th, 1861.

CHAPTER XXI.

An Act to protect the wool growing interests of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That it shall be unlawful for any person or persons owning sheep infected with the disease known as the scab, to allow said sheep to run at large, or in charge of a shepherd or other person, beyond the limits of his or her own land, or the land which he or she may occupy under lease.

Sec. 2. That any person or persons who shall offend against the provisions of the 1st Section of this Act, shall be liable on conviction in damages to any person who shall suffer injury by disease to his or her property in consequence thereof.

Sec. 3. That it shall be unlawful for any person or persons to drive sheep infected with the scab, from any other State, or from the Republic of Mexico, into this State, or from one part of the State to another part thereof.

Sec. 4. That any person or persons who shall offend against the provisions of the third section of this act shall be liable on conviction thereof to a fine of not less than fifty dollars, nor more than one hundred dollars, and also in damages to any person who shall suffer injury to his or her property in consequence thereof, and that the sheep so driven shall be subject to attachment, to secure the fine or damages, as in cases where the demand is liquidated.

Sec. 5. All fines collected under the provisions of this act shall be paid into the County Treasury and be used for county purposes.

Sec. 6. That this act take effect and be in force from and after its passage.

Approved December 28th, 1861.

CHAPTER XXII.

An Act to authorize the Governor to appoint Commissioners of Deeds, &c., in the Choctaw, Chickasaw, Cherokee and Creek Nations of Indians on the northern border of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Governor of the State of Texas is hereby authorized to appoint a suitable number of discreet persons in the Choctaw, Chickasaw, Cherokee and Creek Nations of Indians, not to exceed four in each Nation, Commissioners of Deeds, &c., and said Commissioners shall have power and authority to take acknowledgments of all deeds, transfers or conveyances of all kinds of property situated in this State; also, to take the acknowledgment of married women as required by the laws of this State, and to take depositions under commissions issued under the laws of this State.

Sec. 2. That the official acts of any Commissioner appointed under this act, and certified under the hand and seal of said Commissioner, which certificate shall be annexed to such instrument in proof of the official acts of such officers, shall have the same effect, and shall be as valid as if such acts had been done in this State as now required by law.

Sec. 3. Every Commissioner appointed by virtue of this act shall have full power and authority to administer an oath or affirmation to any person who shall be willing or desirous to make such oath or affirmation before him, and such affidavit or affirmation made before such Commissioner shall be as valid and effectual to all intents and purposes, as if taken by any officer in this State competent to take the same.

Sec. 4. Every Commissioner appointed under this act, before he shall proceed to perform any official act under and by virtue of this act, shall take and subscribe an oath or affirmation before some clerk of the court of record in the States of Texas or Arkansas, well and faithfully to execute and perform all the duties of such Commissioner, under and by virtue of this act and the laws of this State. Which oath or affirmation, certified to by the clerk, under his hand and seal of office, shall be filed in the office of Secretary of this State.

Sec. 5. Every Commissioner under this act, shall provide for himself a seal with a star of five points in the centre, and the words "Commissioner of the State of Texas" engraved thereon, which seal shall be used to certify all the official acts of such Commissioner, and without the impress of said seal upon any instrument, or to certify any act of such Commissioner, said act shall have no validity in this State.

Sec. 6. This act shall take effect, and be in force, from and after its passage.

Approved December 31st, 1861.

CHAPTER XXIII.

An Act to authorize the Supreme Court of the State to hold its sessions during the present war, at some other place than the city of Galveston.

Section 1. Be it enacted by the Legislature of the State of Texas, That during the existence of the present war, the sessions of the Supreme Court of the State, for the Galveston District, may be held at such other safe and convenient place within said district, as the Judges thereof may select and designate.

Sec. 2. That it shall be the duty of the Chief Justice or presiding Judge of said court to publish a notice, in at least two newspapers of general circulation within said district, for three consecutive weeks, designating the place selected for holding the session of said court.

Sec. 3. That the Judges of said court are hereby authorized to have the Records and Library appertaining to the Supreme Court of said Galveston district, removed from the City of Galveston to such place as may be selected by them for holding the session of said court.

Sec. 4. That this act shall take effect and be in force from and after its passage.

Approved, December 31st, 1861.

CHAPTER XXIV.

An Act to amend the 1st and 11th sections of An Act to authorize the sale of the Public Domain, approved February 11th, 1858.

Section 1. Be it enacted by the Legislature of the State of Texas, That the first section of the above recited act shall hereafter read as follows: That the Commissioner of the General Land Office is authorized to issue land scrip in certificates of not less than one hundred and sixty acres (except in the cases herein provided,) which certificates may be sold at the price of fifty-five cents per acre, shall issue in the name of the purchaser, and may be located upon any vacant unappropriated public domain, not being set apart, held in reservation, or the location of which is prohibited by law.

Sec. 2. That the 11th section of said act shall hereafter read as follows: That the proceeds from the lands sold under the provisions of the first section of this act shall be added to the State revenue; provided that all Treasury

Warrants that have been or may hereafter be issued, shall be receivable in payment for certificates issued under the provisions of this act until otherwise provided.

Sec. 3. That this act shall take effect and be in force from and after its passage. Approved, January 1st, 1862.

CHAPTER XXV.

An Act to amend the 110th section of An Act, entitled "An Act to regulate proceedings in the County Court pertaining to the Estates of Deceased Persons," passed March 20th, 1848.

Section 1. Be it enacted by the Legislature of the State of Texas, That from after the passage of this act, the 110th section of the above recited act shall read as follows:

Any person capable of making a will, may so provide by his or her will, that no other action shall be had in the county court in relation to the settlement of his or her estate, than the probating and registration of his or her will, and the return of an inventory of the estate; and in all such cases, any person having a debt or claim against said estate, may enforce the payment of the same, by suit against the executor of said will; and, when judgment is recovered against such executor, the execution shall run against the estate of such testator in the hands of such executor; provided that no such executor shall be required to plead to any suit brought against him for money, until the expiration of twelve months from the date of the probate of such will. But in cases where no bond and security has been required of such executor, at the time of the probate of such will, any person having a debt against said estate, or any person having an interest therein, whether in person or as representative of another, may by complaint in writing, filed in the court where such will was probated, cause such executor to be cited to appear before such court, at some regular term, and on making it appear to the satisfaction of said court, that such executor is wasting said estate, and that thereby said creditor will probably lose his debt, or such other person his or her interest in the estate, he may have an order of said court ordering such executor, to give bond with two or more good and sufficient sureties, for an amount equal to double the full value of such estate, to be approved by, and payable to the Chief Justice of the county; conditioned, that said executor will well and truly administer such estate, and that he will not waste or mismanage the same; which bond may be recovered upon as other bonds given by executors and administrators; and should such executor fail to give such bond, within ten days after the order requiring him so to do, then it shall be the duty of such Chief Justice to remove him from the administration of such estate, and appoint some competent person in his stead, whose duty it shall be to administer said estate according to the terms of such will; and who, before he enters upon the administration of said estate, shall be required to give bond with two or more good and sufficient sureties, in double the amount of the value of said estate; conditioned, payable, and recoverable upon as the bond required of such executor.

Approved, January 1st. 1862.

CHAPTER XXVI.

"An Act authorizing the County Courts of the several counties in this State to levy and collect a special tax for war purposes on all property subject to taxation by the State."

Section 1. Be it enacted by the Legislature of the State of Texas, That the County Courts of the several counties in this State, shall have power to levy and cause the assessment and collection of a special, direct ad valorem tax on all property subject to taxation by the State, of not exceeding twenty-five cents

on each one hundred dollars in value of property, which tax shall be called a war tax and the same shall be assessed and collected by the Assessors and Collectors of the various counties in the same manner and at the same time as is now or may hereafter be provided by law for the assessment and collection of the State Tax.

Sec. 2. That the tax collected under the provisions of this act, shall be appropriated and disbursed by the several County Courts, or under their authority, to the payment of liabilities which have been or may hereafter be incurred by the County Courts, or by their authority, for the support and maintenance of the war now existing between the Confederate States of America and the United States; for matters strictly appertaining to the military and naval defence of this State and of the Confederate States; for the support of destitute families of persons who are now or may hereafter be regularly enlisted in the army or navy in the service of this State or of the Confederate States, subject to the discretion of the County Courts; and in the discretion of the County Courts for the re-imbursement to the several County Treasuries, of any money which such County Courts may have appropriated, drawn, and expended from the County Treasurer for the support of the objects indicated in this act, and which money belonged to any general or special fund of said county.

Sec. 3. The levy of the tax herein provided for shall be made by the County Courts at some one of the regular terms thereof, and in like manner as is or may be provided by law for the levy of county taxes; and within ten days after the levy of such tax by any County Court, it shall be the duty of such Court to report to the Comptroller of Public Accounts, by certificate, under the seal of the county, the rate of taxation so levied by such Court, and on the receipt of such report by the Comptroller, it shall be his duty to notify the Assessor and Collector of each county in the State, of the rate of taxation so levied by each of the several counties so reported to him, and the County Courts of each county shall keep a regular account of the receipts and disbursements under the provisions of this act, with proper vouchers for the disbursements, and shall report the same semi-annually to the Comptroller of Public Accounts, duly certified under the seal of the county.

Sec. 4. Within twenty days after the levy of a tax by any County Court under the provisions of this act, it shall be the duty of the Assessor and Collector of taxes, of such county, to give a bond payable to the Chief Justice of the county and his successors in office, in a sum not less than double the probable amount of the tax to be assessed in the county under this act, for one year, with at least three good and sufficient securities, to be approved by the County Courts: which bond shall be deposited and recorded in the County Clerk's office of the county, said bond shall be deemed to extend to the faithful performance of the duties of his office as Assessor and Collector, in assessing, collecting and properly paying over the tax levied by the County Court for the year, and shall not become void upon the first recovery, but suit may be maintained thereon until the whole amount thereof be recovered; and should any Assessor and Collector fail or refuse to give bond within the time as herein required, or should he fail to give new bond and additional securities when required by the County Court, as may be done by such Court when deemed to be advisable, such Assessor and Collector shall be suspended and dismissed from office by the County Court of his county. The Assessors and Collectors of taxes shall be allowed, as compensation for their services in assessing and collecting the tax provided for by this act, one-half the rate per cent. of commissions allowed by law to such Assessors and Collectors, for assessing and collecting the State tax, and each Assessor and Collector shall immediately pay to the Treasurer of his county all money collected by him under the provisions of this act, in the same kind of funds as received by him or in specie. And that the County Treasurer of each county levying a tax, under the provisions of this act, shall, annually, execute a bond payable to the Chief Justice of such county, and his successors in office, in a sum not less than double the amount of the tax assessed under this act, with at least three good and sufficient sureties to be approved by the County Court, which bond shall be deemed to extend to the faithful performance of his duties,

as Treasurer, in receiving and disbursing all moneys that may be placed in his hands under the provisions of this act.

Sec. 5. It shall be the duty of the Governor to use all proper means to collect from the Confederate States the amount of tax collected and disbursed under and in accordance with the provisions of this act, except so much thereof as may be disbursed for the support of destitute families as provided in the second section, and all amounts of money which may be collected of the Confederate States under the provisions of this act shall be paid over to the counties by which it was originally collected, and if not sufficient to pay such counties in full, then the amounts received from the Confederate States shall be paid over to said counties pro rata upon the amounts collected and disbursed by them severally as aforesaid.

Sec. 6. This act shall be in force from and after its passage.

Approved January 1st, 1862.

CHAPTER XXVII.

An Act to require the Financial Agent of the State Penitentiary to settle his accounts quarterly with the State Comptroller.

Section 1. Be it enacted by the Legislature of the State of Texas, That hereafter, it shall be the duty of the Financial Agent of the State Penitentiary to submit his accounts, quarterly to the State Comptroller, for adjustment and audit; the quarters to end on the last days of November, February, May and August.

Sec. 2. The said returns shall embrace a full exhibit of all the financial operations of the Penitentiary, showing in detail, the receipts from all sources, setting forth the source from whence derived, and the disbursements and on what account made, and shall follow the instructions of the Comptroller, in adopting such a system of accounts, as he may direct.

Sec. 3. No money shall be drawn on requisition from the State Treasury, on account of the support of the Penitentiary, or for the transportation of convicts thereto, until all such sums as may have been previously drawn, shall have been accounted for.

Sec. 4. That such portion of the first section of an act passed February 16th, 1852, entitled "An Act supplementary to an Act to establish a State Penitentiary," as conflicts with this act be, and is hereby repealed.

Sec. 5. This act shall take effect from its passage.

Approved January 2d, 1862.

CHAPTER XXVIII.

An Act providing for the transfer of all suits and matters in the late District Courts of the United States of America in this State on and previous to the second day of March A. D., 1861, which are not cognizable in the Courts of the Confederate States of America, under the provisions of the permanent Constitution of said Confederate States, to the appropriate Courts of this State, and providing for the final determination or disposition of the same.

Section 1. Be it enacted by the Legislature of the State of Texas, That all the papers and proceedings of the late District Courts of the United States of America in Texas, appertaining to suits in said courts in which judgments or decrees had been rendered prior to the second day of March A. D., 1861, which judgments or decrees had not been fully executed or satisfied prior to said date, in suits that are not cognizable in the courts of the Confederate States of America under the permanent Constitution of said Confederate States, shall be transferred, and are hereby ordered to be delivered over to the District Court of the State of Texas in the county in which such United States Courts were, under the laws of said United States, prior to the aforesaid date, held: that is to say: Those of the United States Court at Austin to the District Court of Travis County—Those of the United States Court at Tyler to the District Court of Smith County—Those of the United States Court at Gal-

veston to the District Court of Galveston County—Those of the United States Court at Brownsville to the District Court of Cameron County. Such papers and proceedings in each suit shall be accompanied in their transfer by complete transcripts of all the proceedings, orders, judgments, and decrees of said United States Court in such suit, certified by the Clerk of the Court of the Confederate States having the custody of the records and papers of said United States Courts, under the seal of such Court of the Confederate States. And said transcripts, papers and proceedings, when so transferred and filed in said District Courts of this State, shall thereafter form and remain a part of the records, papers and proceedings, of said District Courts, and may be certified therefrom in the same manner and with the same force and effect as though the same had originated in said Courts, and were original records, papers and proceedings thereof. And after such transfers are made in each case, all proper orders shall be made and proceedings had by and process issued from such District Courts of this State as may be necessary or proper to perfect the rights of the parties in such suits.

Sec. 2. That all suits which are pending in the United States Courts in Texas on the second day of March A. D., 1861, that are not cognizable in the courts of the Confederate States of America under the permanent Constitution of said Confederate States, shall be transferred to the proper District Courts of this State, which courts shall have full and complete jurisdiction of the same, and proceed to trial and judgment therein according to law, in the same manner as though such suits had originally been commenced in such District Court. Each suit in its transfer shall be accompanied by a transcript of the orders and proceedings made or had in said United States Courts previous to said second day of March A. D., 1861, in such suit, certified by the Clerk of the Court of the Confederate States having the custody of the records and papers of said United States Court, under the seal of such court of the Confederate States; which transcripts shall be respected by and have the same force and effect in said Districts Courts of this State as if the proceedings therein recited had been had by or in such District Court. The courts to which such transfer shall be made, shall be as follows, to-wit:

1st. To any District Court to which both parties, plaintiff and defendant, or their attorneys of record in the cause in the United States Court, shall agree in writing to transfer the same, such writing to be filed with and form a part of the record of the cause.

2d. If no agreement is made, then the transfer shall be made to such District Court as would have been entitled to jurisdiction of the suit had it been originally commenced in the courts of this State; provided, That if there be two or more defendants residing in different counties, or if there be other cause which would give jurisdiction to the courts of more than one of said counties, the plaintiff or his attorney shall have the right to select the county to which he will make the transfer; provided further, That in the last named case notice shall be given to the defendants or their attorney of record of the county to which such transfer is made.

Sec. 3. That all writs of error or appeals in causes which may have been pending in the Supreme Court of the United States from any of the United States Courts in Texas, or which may have been taken from said courts in Texas previous to the second day of March, A. D., 1861, and were then undetermined, have ceased to have any force or effect whatever, and no decision made thereon, after said date, by said Supreme Court in any such cause, shall be of any effect or force, or in any manner affect rights of persons or property in this State; but the plaintiffs in error or appellants, as the case may be, in all such causes as are not cognizable in the courts of the Confederate States under the provisions of the permanent Constitution of the Confederate States, shall have the right to procure a transcript of the record in such cause from the Court of the Confederate States having the custody of the records of said United States Courts, or from said Supreme Court of the United States, or as may be agreed upon by both parties or their counsel, and file the same in the proper branch of the Supreme Court of this State, which court shall have full

power and jurisdiction, and shall thereupon proceed to hear and determine the same, and shall certify their mandate to the District Court of the county into which the original cause and the proceedings therein might have been transferred under the provisions of this act had no final judgment been rendered therein previous to the said second day of March, A. D. 1861; and such District Court shall thereupon proceed upon such mandate the same as though such cause had originated in said Court. And in every case so removed from said United States Courts in Texas to said Supreme Court of the United States, and which may be removed to the Supreme Court of this State, as herein provided, the Supreme Court of this State shall proceed to hear and determine such cause in like manner as the said Supreme Court of the United States, acting under the laws of said United States, would have done had such cause remained in and been determined by said Supreme Court of the United States. In every case which may have been finally determined in said United States Courts in Texas within five years previous to the taking effect of this act, and which was not removed from said courts by appeal or writ of error under the laws of the United States to the Supreme Court of the United States, where the amount of value in controversy in the cause was sufficient to give said Supreme Court jurisdiction thereof on error or appeal, the parties to such cause who may be aggrieved by the decision therein may at any time within two years after the taking effect of this act, remove the same by writ of error from the District Court to which it may be transferred under the provisions of the second section of this act, to the Supreme Court of this State for revision and determination; such writ of error to be sued out and removal made under the provisions of the laws of this State regulating like proceedings in causes originating in the courts of this State, and the cause to be acted upon and determined by said Supreme Court under the like rules and regulations as in this section is provided in relation to causes removed from said United States Courts in Texas to the Supreme Court of the United States prior to said second day of March, A. D. 1861, and which may be taken to the Supreme Court of this State as herein provided.

Sec. 4. All costs properly taxable under the laws of the United States in any cause which may be transferred from any of the United States Courts to any court of this State under the provisions of this act, and which may have accrued prior to the taking effect of this act, shall be taxed in such causes in the courts of this State to which they may be transferred, and may be enforced and collected for the benefit of the parties entitled to the same, in like manner as costs accruing in causes originating in the courts of this State.

Sec. 5. This act shall take effect and be in force from the 22d day of February, 1862.

Approved January 3d, 1862.

CHAPTER XXIX.

An Act to define the boundaries of Live Oak County.

Section 1. Be it enacted by the Legislature of the State of Texas, That the county of Live Oak shall hereafter be bounded as follows, to wit: Beginning at the West corner of San Patricio county, on the Nueces river, thence with the lines of San Patricio, Bee, Karnes and Atascosa counties, to the North-east corner of La Salle county, thence due South with the line of La Salle county, to the Nueces river, and thence down said river with its meanders to the place of beginning.

Sec. 2. That this act shall take effect and be in force from and after its passage.

Approved January 3, 1862.

CHAPTER XXX.

An Act to define the boundaries and provide for the organization of McMullen County.

Section 1. Be it enacted by the Legislature of the State of Texas, That here-

after McMullen county shall be bounded as follows, to wit: Beginning at the North-east corner of a survey in the name of Vicenta Lopez Herrera, generally known as the O'Farrall tract, on the right margin of the Nueces river, thence due West to the intersection of the East boundary of Encinal county, thence North with the said line to the Nueces river, and thence down said river, with the meanders thereof, to the place of beginning.

Sec. 2. That the following named persons be and they are hereby appointed commissioners to organize said county of McMullen, and to locate the county seat thereof, to wit: E. E. Curtis, Putnam Shipp, Thomas A. Dwyer, C. C. Cox and John W. Pope. The commissioners aforesaid, or any three or more of them shall, within three months after the passage of this act, lay off the said county of McMullen into suitable election precincts, in accordance with law, and shall, within the said three months, order an election for county officers, to wit: a Chief Justice, four County Commissioners, a County and District Clerk, a Sheriff, a Coroner, a County Surveyor, Assessor and Collector, two Justices of the Peace and a Constable in each election precinct; which election shall be advertised at three or more public places, and in said county, stating the time and places, which places shall be in the different precincts laid off by the Commissioners, as hereinbefore provided, and in accordance with an act to provide for organizing new counties, approved March 30, 1848; and any one of the Commissioners aforesaid shall qualify the person elected to the office of Chief Justice of said county, who, when qualified, shall qualify the other officers elected for said county.

Sec. 3. It shall be the duty of said Commissioners to proceed as early as practicable after laying off election precincts, to locate the county seat of said county, by selecting at least three eligible sites, having due respect to any donation of land that may be made for that purpose, as well as convenience for wood and water: and when so selected, the Commissioners aforesaid shall order an election, which shall be conducted in all respects as elections for county officers, and if at the first election neither of the localities so selected shall receive a majority of all the votes cast, the place receiving the smallest number shall be thrown out, and the Commissioners shall order another election as before, at which election, the place receiving a majority of all the votes cast shall be declared to be the county seat of McMullen county, and shall be named "Sydney."

Sec. 4. That all free white male citizens over the age of twenty-one years, who have resided twelve months within the State, and sixty days within said county prior to said election, shall be entitled to vote for the location of the county seat.

Sec. 5. That in case the site which shall be declared to be the county seat of said county shall be vacant and unappropriated domain, then the State hereby donates to the county of McMullen all her right and title to three hundred and twenty acres of the same; and the Commissioner of the General Land Office is hereby authorized to issue a patent in the name of the said county for the said three hundred and twenty acres, upon a return of the plat and field notes of the same, duly certified to the General Land Office. And the county court of said county shall have power to purchase, if necessary, land not to exceed three hundred and twenty acres, for the use of said county, should the site selected as above provided prove to be appropriated land; and the said county court shall lay off the site so selected into suitable lots, and after selecting and setting apart such lots as may be necessary for a court-house, jail, churches, school houses and burial grounds, they shall proceed to sell the remainder, or such portions thereof as they may deem necessary, at public auction, at such time and upon such terms as will most conduce to the interests of the county; and shall apply the proceeds thereof to the erection of necessary public buildings for the use of said county.

Sec. 6. That the districts courts in and for said county shall be held at a building known as the Cassa Blanca Church, situated on the Penitas Creek, until a suitable building shall be erected for that purpose at the county seat of said county.

Sec. 7. That the county of McMullen with its boundaries, as defined by this act, be and the same are hereby attached to the 76th Representative District, composed of the counties of Nueces, Webb, Encinal and Duval, until another apportionment shall be made.

Sec. 8. That all laws or parts of laws conflicting with the provisions of this act be and the same are hereby repealed, and this act take effect and be in force from and after its passage.

Approved January 3d, 1862.

CHAPTER XXXI.

An Act appropriating money to defray all expenses necessary to secure and transport clothing and other contributions to Texas volunteers, and employ an agent therefor.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Governor be required to employ some suitable person or persons to secure and transport all clothing, or other contributions to Texas volunteers, now or hereafter detained on the route of their destination, and deliver the same to the proper command.

Sec. 2. That the sum of five thousand dollars, or so much thereof as may be necessary, be and is hereby appropriated out of any specie now in the Treasury, belonging to the School Fund, to carry into effect the provisions of this act; provided, the amount used shall be returned to the School Fund by the Treasurer, from the first money paid into the Treasury belonging to the general revenue of the State; and that this act be in force from and after passage.

Approved January 6th, 1862.

CHAPTER XXXII.

An Act to provide for auditing and settling all claims against the State on account of Volunteer Companies called out by the Governor or Committee of Safety, and for the defense of the State, and providing payment for the officers and men thereof.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Comptroller of Public Accounts be and he is hereby authorized and required to audit and settle the claims of the officers and privates of all volunteer companies ordered out by the Governor or Committee of Safety, acting by authority of the People's Convention, for and during the term of service actually rendered the State according to the rules and regulations of the Confederate States for the government of the army thereof, upon the return of the muster-roll of each company to the Comptroller, duly authenticated; and also to audit and allow all claims and accounts brought against the State by any individual for Quartermaster or Commissary supplies, for munitions of war, for the construction of fortifications and all defences, and moneys advanced for the same; and for moneys or supplies advanced for and used by any of said troops; provided all such claims and accounts are authenticated and approved by the Acting Quartermaster or Commissary of the regiment, battalion or company; and in every case where any supplies or articles necessary to the efficiency of the command shall have been purchased by any Colonel or Lieutenant Colonel of a regiment, or Captain of a company, and not certified to by the Acting Quartermaster or Commissary, said Colonel or Lieut. Colonel or Captain shall certify under oath, that the charges are just, and that such articles were purchased at the price mentioned, and were used for the benefit of such command, provided such articles are consistent with the usage and regulations of the army with reference to the nature of the service.

Sec. 2. In all cases provided for under the first section of this act, the Comptroller shall draw his warrant upon the Treasurer in favor of any party whose claim or account shall have been so audited or allowed, provided in all

cases the Comptroller shall have the power to examine the accounts, and allow only such as are fully authenticated by proper vouchers, and to reduce extravagant charges to a reasonable amount; provided that this act shall not be so construed as to allow the payment of expenses at the camps of instruction, or any troops not called into actual service.

Sec. 3. That the Comptroller shall keep a separate register of all claims presented under this act, and properly chargeable to the Government of the Confederate States, and arrange the vouchers and accounts as directed by the laws of the said Government for presentation thereto.

Sec. 4. Be it further enacted, That the sum of three hundred thousand dollars, or so much thereof as may be necessary, be and is hereby appropriated out of any money in the Treasury, not otherwise appropriated, to carry out the provisions of this act.

Sec. 5. That this act take effect and be in force from and after its passage.

Approved January 4th, 1862.

CHAPTER XXXIII.

An Act to make an appropriation for the payment of Commissioners sent by the Convention to the Choctaws, Cherokees and other friendly tribes of Indians, and to Arizona and New Mexico.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of two thousand dollars, or as much thereof as may be necessary, be and is hereby appropriated to pay James E. Harrison, James Bourland, Charles C. Hamilton, P. T. Herbert and Simeon Hart, Commissioners sent by the Convention to the Choctaw, Cherokee, Creek, Chickasaw and Seminole Indians, and to Arizona and New Mexico.

Sec. 2. Be it further enacted, That the Commissioners above mentioned shall be entitled to receive five dollars per day, for every day they may have been employed in the performance of their duty, and all extraordinary expenses they may have incurred; and that the Comptroller of the State shall draw his warrants in favor of said persons, on the Treasurer, and the Treasurer shall pay the same.

Sec. 3. This act take effect and be in force from and after its passage.

Approved January 8th, 1862.

CHAPTER XXXIV.

An Act to authorize the County Courts to make an entry of unconditional headrights which have been passed upon by the Courts, and the clerk thereof having failed to enter the same, upon such proofs as the laws required for their original issuance.

Section 1. Be it enacted by the Legislature of the State of Texas, That from and after the passage of this act, it shall be lawful for the County Courts, in all cases where the said courts have heretofore passed upon, and issued unconditional headrights, and by the neglect of their clerk, or for other cause the same have not been entered and reported to the General Land Office, shall now, have such proofs as under the then existing law would have entitled the applicant to his certificate, and report the same, if genuine, to the Land Office for patent, provided the party applying has had no lands, by private relief or otherwise, from the State equivalent to the claim he may present, and that all applications shall be made to the County Courts from which the original certificate issued.

Sec. 2. That this law take effect from and after its passage.

Approved January 8th, 1862.

CHAPTER XXXV.

An Act to create a Hospital Fund to be expended for the benefit of the sick and wounded soldiers of the State of Texas, in the Confederate army.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of one hundred and fifty thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated as a Hospital Fund, which sum may be drawn from the Treasury upon the warrant of the Comptroller countersigned by the Governor.

Sec. 2. The Governor may at his discretion appoint some suitable person or persons as agent or agents, for the distribution and application of this fund in such manner as will best promote the object of this act; such agent or agents when appointed, before entering upon the duties of his or their agency, shall be required to execute a bond, with two or more good and sufficient securities, payable to the State of Texas, to be approved by the Governor, in such amount as the Governor may prescribe, conditioned that he or they will well and faithfully apply and expend all money which may come into his or their hands, for the benefit of the sick and wounded soldiers of the State of Texas, in the Confederate Army; which said bond the Governor shall file with the Comptroller.

Sec. 3. There shall not be placed in the hands of said agent or agents, at any time, a greater sum than the amount of the penalty in the bond executed by him or them, and approved by the Governor.

Sec. 4. The agents appointed as aforesaid may receive a reasonable compensation for their services, out of the fund herein appropriated, which shall be fixed by the Governor, not to exceed fifty dollars per month, with all necessary and reasonable expenses; and they shall at all times be subject to the direction and supervision of the Governor in the discharge of their duties; provided, That the Governor is hereby authorized to appoint any suitable person who may offer his services, with no further charge upon the fund hereby appropriated than his necessary expenses.

Sec. 5. That the agents appointed under the provisions of this act, shall keep a regular account of the money received and expended by them for the sick and wounded, and make monthly reports of the same, under oath, to the Comptroller of the State, setting forth the name of the person relieved, his place of residence when at home, and the company to which he belongs; said reports when approved by the Governor and Comptroller, shall be filed in the Comptroller's Office, and stand to the credit of such person entitled thereto.

Sec. 6. The Governor may donate such amount as may in his opinion be just and proper, out of the appropriation provided for in this act, to State or private hospitals that have heretofore received and treated Texas soldiers.

Sec. 7. The Governor shall have power to dismiss such agent or agents at his option, and it shall be his duty to do so whenever in his opinion their services are no longer necessary, or whenever he shall be satisfactorily informed that such agent or agents have been guilty of misfeasance or malfeasance in the discharge of their duties.

Sec. 8. That this act take effect and be in force from and after its passage.

Approved January 8th, 1862.

CHAPTER XXXVI.

An Act to regulate the fees for Swimming Cattle at Ferries.

Section 1. Be it enacted by the Legislature of the State of Texas, That the County Courts shall not authorize a charge of more than one cent per head on cattle or horses, swimming rivers at licensed ferries, including the use of pens and boats necessary for the control of such stock.

Sec. 2. That all laws, and parts of laws, so far as they conflict with the provisions of this act, are hereby repealed.

Sec. 3. That this act shall take effect and be in force from and after its passage.
Approved, January 9th, 1862.

CHAPTER XXXVII.

An Act supplemental to and amendatory of An Act entitled "An Act to provide for the transportation of clothes and other contributions to the Texas Volunteers in the Confederate Army, passed January 4th, 1862.

Section 1. Be it enacted by the Legislature of the State of Texas, That before making any appointment under the provisions of the act recited in the caption, of which this is supplemental and amendatory, it shall be the duty of the Governor to require a bond of the party so appointed, with good and sufficient surety, in a sum at least double the amount of the funds entrusted to such agent, payable to the State of Texas, conditioned that such agent shall well and faithfully discharge and perform all the duties of his agency.

Sec. 2. Said agent shall keep a record of all moneys received by him, by virtue of his appointment, shall keep a correct register of all goods and packages by him forwarded, and all moneys paid out by him, to whom said moneys were paid, and for what purpose paid, as well as make a correct return of all moneys not expended, all of which shall be supported by proper vouchers whenever practicable.

Sec. 3. Each agent shall be allowed, for his services while actually engaged in the duties of his agency, the sum of fifty dollars per month, together with his traveling expenses.

Sec. 4. That this act take effect and be in force from and after its passage.
Approved, January 9th, 1862.

CHAPTER XXXVIII.

An Act to create the county of Kendall.

Section 1. Be it enacted by the Legislature of the State of Texas, That all of territory comprised within the following limits shall be created into a new county to be called Kendall. Beginning at the South-east corner of Gillespie county, thence West to a point on the South line of said county, from which a line running due South will cross the Guadalupe river one mile above the public square of the town of Comfort, for the North-west corner of Kendall county; thence South about twenty-five and a half miles to the North-east boundary line of Bandera county; thence with said boundary line to the head of Balcone's creek, where the West boundary line of survey No. 408, in the name of A. Gayton crosses the same; thence down with the meanders of Balcone's creek to its mouth; thence in a direct course with the North-west boundary line of Comal county to the mouth of Curry's creek, being about fourteen miles, 45° East; thence with the next course of the North-west line of Comal county, five miles; thence in a direct course about twenty miles North, 27° West, to the place of beginning.

Sec. 2. That Adam Vogt be, and is hereby appointed a commissioner to organize said new county of Kendall, and it is hereby made his duty to do the same by ordering an election for county officers, according to the general laws regulating elections; said election to be held on a day by him to be named, and due notice of the same to be given in accordance with the laws regulating elections; the said election to be held at a point, or points within the limits of said county, to be by the said Vogt named and duly published in said county; and when the returns of said election shall have been made to the said Vogt, he shall issue certificates of election to the persons elected, and shall administer the oath of office to them in due form; provided that in case of the failure to act of said Vogt, it shall be the duty of the Chief Justice of Blanco county to perform the duties herein required of him.

Sec. 4. That so soon as the said county of Kendall has been organized as aforesaid, and the officers of the same qualified according to law—they shall enter upon the discharge of their respective offices, and all courts in and for said county shall be held at Boerne, until the county seat of said county shall be permanently located as hereinafter provided.

Sec. 4. That it shall be the duty of the county court of Kendall county to select two or more sites nearest the centre of said new county having respect for any donations of land that may be made for that purpose, as well as convenience of water, and when so selected the Chief Justice of said county shall order an election, to fix said county seat, which shall be conducted according to the general laws respecting elections for county officers; and if at the first election neither of the sites so selected, shall receive a majority of all the votes cast, then the Chief Justice shall order another election to be held for the two sites receiving the highest number of votes, and the site receiving a majority of all the votes cast at any such election, shall be declared the county seat, and the County Court shall designate the name of the same.

Sec. 5. The County Court of Kendall county may purchase, if necessary, or receive by donation, lands not exceeding three hundred and twenty acres for the use of the county, and lay off the site so selected into suitable lots, and after selecting and setting apart such suitable lots as may be necessary for a court-house, jail, clerks' offices, school-houses, and burying grounds, they shall proceed to sell the remainder or such portion thereof as they may deem necessary, at public auction, at such time and upon such terms as will most conduce to the interests of the county. And shall apply the proceeds thereof to the erection of necessary public buildings for the use of the county.

Sec. 6. That the Commissioner above named shall be entitled to three dollars per diem for every day that he is necessarily employed or detained in holding said elections and organizing said county of Kendall.

Sec. 7. That this act take effect from and after its passage.

Approved January 10th, 1862.

CHAPTER XXXIX.

An Act to change the boundary lines of Blanco and Kerr counties.

Section 1. Be it enacted by the Legislature of the State of Texas, That the boundary lines of Blanco county, shall hereafter be as follows:

Beginning at the South-east corner of Gillespie county, thence 27° East to the West line of Comal county; thence following the West line of Comal county to the south line of Hays county; thence in a direct course across the Perdinalles to the South-west corner of Travis county; thence following the West line of Travis to the South East corner of Burnett county; thence with the South boundary line of Burnett county to the South-east corner of Llano county; thence with the South boundary line of Llano county to the North-east corner of Gillespie county; thence with the East boundary line of Gillespie county, to the place of beginning.

Sec. 2. That the boundary lines of Kerr county shall hereafter be as follows:

Beginning at a point on the South line of Gillespie county from which a line running due South will cross the Guadalupe river one mile above the public square of the town of Comfort; thence South to the North boundary line of Bandera county; thence with the North boundary line of Bandera county, in a direct line to the South-west corner of Survey No. 98, in the name of T. E. Bettner; thence in the same course four miles; thence West to the North corner of Survey No. 157, in the name of J. R. Boules on the head of Wallace Creek; thence due West to the North-west corner of Bandera county; thence North twenty-six miles to the South boundary line of Kimble county; thence East about twenty-nine miles to the South-east corner of Kimble county; thence with the West line of Gillespie county to its South-west corner; thence East with the South line of Gillespie county to the place of beginning.

Sec. 3. That all laws and parts of laws, conflicting with the provisions of this act, be, and the same are hereby repealed, and that this act take effect from and after its passage.

Approved January 10th, 1862.

CHAPTER XL.

An Act to repeal "An Act authorizing unpaid Warrants to bear interest, approved February 14th, 1860," and otherwise to regulate the issuance of Treasury Warrants.

Section 1. Be it enacted by the Legislature of the State of Texas, That "an act authorizing unpaid warrants to bear interest," approved February 14th, 1860, is hereby repealed, but without prejudice to the vested rights of owners of such warrants, which shall be as available as if said act were not repealed.

Sec. 2. The Comptroller on presentation of any warrant, bearing interest, as well as on presentation of any other legal claim, for which an appropriation shall have been made, shall draw on the Treasury as heretofore prescribed by law, and payment shall be made thereon, if there be money therefor in the Treasury; but, if not, the Comptroller shall issue one or more warrants for the amount, that may be due, payable to the party entitled to payment or bearer: and said warrants shall be of such proportions of the claim as may be expressly required by the holder, provided not more than one tenth of the whole amount may be issued in warrants for one dollar each, and the balance in warrants for five dollars or more each; and said warrants shall be endorsed by the Treasurer; and every interest warrant, thus superseded, shall be canceled by the Comptroller.

Sec. 3. The warrants, issued in pursuance of this act, on presentation at the Treasury, shall be paid out of any money therein not otherwise appropriated, and when paid shall be canceled, and shall not be re-issued.

Sec. 4. This act shall be in force from its passage.

Approved, January 10th, 1862.

CHAPTER XLI.

An Act to provide for the sale and settlement of the vacant and unappropriated alternate sections of Land in Fisher and Miller's Colony.

Section 1. Be it enacted by the Legislature of the State of Texas, That all heads of families who are settled upon, or who may hereafter settle upon any of the vacant and unappropriated alternate sections of land within the limits of Fisher and Miller's colony, that are now reserved by the colony contract for the use and benefit of the State, shall have the privilege of purchasing one hundred and sixty, three hundred and twenty, or six hundred and forty acres of land in preference to all other claims, at fifty cents per acre, as hereinafter provided.

Sec. 2. The land to be secured under the provisions of this act, shall be taken as the section was originally surveyed, or one-half of the section divided by a division line running through the centre of the section, or one hundred and sixty acres to be surveyed in a square, and to be taken out of one corner of the section.

Sec. 3. Any one desirous to obtain the benefits of this act, shall within six months after the passage of this act, or within three months after his or her settlement, file with the District Surveyor, his or her affidavit, and that of two credible witnesses, made before any officer authorized to administer oaths, in the Land District in which the land is situated, that he or she is bona fide settled, and making improvements upon vacant public domain, the sale of which is contemplated in the first section of this act, and that he or she has not previously taken or filed a claim under this act, and shall at the same time file with said surveyor, a designation of the land sought to be secured; and

said settler shall within twelve months, have said land surveyed, and his or her field notes returned to the General Land Office, and shall be required to pay taxes on the same from the date of his or her settlement, and the money paid to the Commissioner of the General Land Office within three years from the date of his or her file, or the preference herein provided shall cease, and no claim under this act shall be transferable or assignable until the rights to the land shall be perfected.

Sec. 4. When all the provisions of this act shall have been complied with, the Commissioner of the General Land Office shall issue to the person entitled to receive the same, a patent for the land which he or she shall have secured under the provisions of this act.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved, January 10th, 1862.

CHAPTER XLII.

An Act supplemental to An Act suspending all laws for the collection of debts and liabilities on bonds, promissory notes, bills of exchange, and contracts for the payment of money, until the 1st day of January, 1864, or until six months after the close of the present war, should it terminate before the date named, or until otherwise provided by law, approved 7th December, 1861.

Section 1. Be it enacted by the Legislature of the State of Texas, That the first section of the above recited act, shall not be so construed, as to except debts due from citizens of this State, to alien enemies, which may be sequestered to the Confederate States, under the act of sequestration of the Congress of the Confederate States.

Sec. 2. That this act shall take effect and be in force, from and after its passage.

Approved, January 10th, 1862.

CHAPTER XLIII.

An Act to amend the first section of An Act, entitled, An Act to authorize the withdrawal from the General Land Office of deeds issued on paper of the Second Seal, of February 11th, 1850.

Section 1. Be it enacted by the Legislature of the State of Texas, That the first section of the above recited act is hereby amended, so that the same shall hereafter read as follows, viz: "The owners of deeds issued on paper of the second or third seal, and other evidences of title to land in this State, which were granted, issued, or made prior to the second day of March, A. D. 1836, and which have been filed or deposited in the General Land Office, and are not original documents in, or archives of said office, under the provisions of existing laws, are hereby authorized to withdraw such deeds and other evidences of title from said office, on leaving a receipt therefor, naming the original grantee of the land, and the quantity thereof, together with its location, to which such deed or other evidence of title relates, and the date of such paper. And this act shall be in force from and after its passage.

Approved, January 11th, 1862.

CHAPTER XLIV.

An Act for the relief of pre-emption settlers, and to extend the time for the return of filed notes, and to extend the time for the payment of all dues by settlers, under the acts authorizing the sale of the public domain.

Section 1. Be it enacted by the Legislature of the State of Texas, That all settlers under the various pre-emption laws, shall have until January, 1864, to return their field notes, and pay their dues thereon.

Sec. 2. That all those who have settled under the acts to authorize the

sale of the public domain, and all persons who may settle under said laws, within twelve months from the passage of this act, shall have four years from the date of the passage of this act to pay the amount prescribed by said laws.

Sec. 3. That this act take effect, and be in force from and after its passage.

Approved, January 11th, 1862.

CHAPTER XLV.

An Act supplemental to An Act, to amend the Act supplemental to an Act to regulate Estrays, approved April 6th, 1861.

Section 1. Be it enacted by the Legislature of the State of Texas, That the several counties of the State shall be numbered as follows, to-wit: Cameron, No. 1; Hidalgo 2; Starr 3; Zapata 4; Encinal 5; Duval 6; Nueces 7; San Patricio 8; Live Oak 9; McMullen 10; Atascosa 11; Frio 12; Medina 13; Bexar 14; Wilson 15; Karnes 16; Goliad 17; Bee 18; Refugio 19; Calhoun 20; Victoria 21; Jackson 22; Matagorda 23; Wharton 24; Colorado 25; Lavaca 26; De Witt 27; Gonzales 28; Guadalupe 29; Comal 30; Blanco 31; Gillespie 32; Llano 33; Burnet 34; Travis 35; Hays 36; Caldwell 37; Bastrop 38; Fayette 39; Harris 40; Galveston 41; Brazoria 42; Fort Bend 43; Austin 44; Washington 45; Grimes 46; Brazos 47; Robertson 48; Leon 49; Limestone 50; Freestone 51; Navarro 52; Ellis 53; Dallas 54; Collin 55; Grayson 56; Cook 57; Denton 58; Tarrant 59; Johnson 60; Hill 61; McLennan 62; Falls 63; Milam 64; Burleson 65; Bell 66; Coryell 67; Bosque 68; Erath 69; Parker 70; Wise 71; Montague 72; Clay 73; Jack 74; Palo Pinto 75; Comanche 76; Hamilton 77; Lampasas 78; San Saba 79; Brown 80; Eastland 81; Stephens 82; Young 83; Archer 84; Mason 85; Kerr 86; Bandera 87; Uvalde 88; Zavala 89; Dimmit 90; La Salle 91; Webb 92; Fannin 93; Hunt 94; Kaufman 95; Henderson 96; Anderson 97; Houston 98; Madison 99; Walker 100; Montgomery 101; Chambers 102; Liberty 103; Polk 104; Trinity 105; Angelina 106; Cherokee 107; Smith 108; Wood 109; Hopkins 110; Lamar 111; Red River 112; Titus 113; Upshur 114; Rusk 115; Nacogdoches 116; San Augustine 117; Tyler 118; Hardin 119; Jefferson 120; Orange 121; Newton 122; Jasper 123; Sabine 124; Shelby 125; Panola 126; Harrison 127; Marion 128; Davis 129; Bowie 130; Maverick 131; Kinney 132; Dawson 133; Edwards 134; Kimball 135; Menard 136; McCulloch 137; Concho 138; Coleman 139; Runnels 140; Callahan 141; Taylor 142; Shackelford 143; Jones 144; Throckmorton 145; Haskill 146; Knox 147; Baylor 148; Wichita 149; Wilbarger 150; Hardeman 151; Greer 152; Presidio 153; El Paso 154; Van Zandt 155.

Sec. 2. The number of the county shall be a brand, to be called the county brand—which every citizen may make and use, or not, as he pleases, on his or her stock, after making application to the County Clerk—and having his name entered in a book, to be kept by such clerk for that purpose, for which he shall pay said clerk one dime.

Sec. 3. Any person using the county brand shall brand all animals, of the horse kind, on the neck, and all cattle kind, also on the neck: this brand is independent of, and not intended to interfere with the private brand of such person.

Sec. 4. The County Clerks of the several counties of this State, upon the reception of the affidavit appraisement, description, and bond required to be returned to them, when an animal is posted and estrayed, shall note the county brand if any, and all other brands on it, with a direct description of such animal also; and send the said description, including private brand, to the County Clerk of the county claiming the county brand, and when the last named clerk receives the letter above mentioned, he shall file the same in his office as a paper belonging to the Estray Department; and if he knows the person claiming the private brand, he shall give him notice of the letter in his office, and shall immediately answer the letter, and notify the first clerk of the date of its reception, and no animal shall be sold as a stray, unless an answer has been received from the clerk of the county claiming the brand, stating his inability to ascer-

tain the ownership of the animal. The clerks shall write over their official signatures, and stamp the county seal upon each letter written in the process of Estraying, and shall receive fifty cents for each letter thus written; the clerk writing the first letter shall receive one dollar from the person straying the animal, half of it for himself and half to be remitted to the clerk addressed, all cost to be paid out of the sale money of the animal sold, or by the owner when he proves his property.

Sec. 5. The taker up of any estray animal, and the appraisers called in to describe and appraise the same, under the law shall, in addition to the oath now required of them, under the Estray Laws of this State, make oath that they carefully examined such animal, on the neck, for a county brand, and if any such be found, due return make of the same under oath, in their appraisement and description of the animal, as provided by laws heretofore enacted.

Sec. 6. This act take effect, and be in force from and after its passage.

Approved, January 11th, 1862.

CHAPTER XLVI.

An Act for the relief of certain Railroad Companies of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That the payment of all interest, and the two per cent Sinking Fund, due and to become due on the bonds issued by the several Railroad companies of the State of Texas, for loans from the special School Fund, be and the same is hereby extended until the 1st day of January, 1864, or until six months after the termination of the present war between the Confederate States and the United States of America, should it terminate before the time above-named.

Sec. 2. That this act shall in no wise impair the prior lien which the State now holds upon any Railroad for the payment of the loans and interest now due or to become due by such roads to the State.

Sec. 3. That this act take effect and be in force from and after its passage.

Approved, January 11, 1862.

CHAPTER XLVII.

An Act to prescribe what kinds of funds may be received for certain public dues.

Section 1. Be it enacted by the Legislature of the State of Texas, That all specific taxes for the objects of paying interest and principal of loans shall be collected in specie currency.

Sec. 2. Treasury warrants, not bearing interest, (in addition to the provision heretofore made for their reception in payment of lands, including certificates therefor,) shall be receivable as money in the payment of office fees, including fees for patents and land dues, payable in the General Land Office, taxes, and all other dues to be collected for the State, or in its name, except specific taxes for the objects of paying interest and principal of loans, and except dues of Sinking Fund and interest of School Funds loaned to railroad companies.

Sec. 3. Treasury notes and coupons, issued by the Confederate States of America, shall be receivable as money for indebtedness to the State for lands under the pre-emption laws, and the laws authorizing sale of the University lands, and the laws providing for sale of the public domain, in general, including certificates therefor; for office fees, including fees for patents and land dues, payable in the General Land Office, taxes, and all other dues to be collected for the State, or in its name, except specific taxes for the object of paying interest and principal of loans, and except dues of Sinking Fund, and interest on School Funds loaned to railroad companies; and shall be receivable for taxes to be collected for the ordinary revenues of counties, without affecting their special taxes.

Sec. 4. This act shall be in force from and after its passage.

Approved January 11th, 1862.

CHAPTER XLVIII.

An Act concerning the disposal of certain funds therein described.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Treasurer and every other officer of the State, and every officer of counties, who, according to law, shall have received, as public money, Treasury warrants of this State, or Treasury notes of the Confederate States of America, or its coupons, shall disburse or transfer the same, as money, at par, according to the laws providing for disbursement or transfer of money, in the respective cases, if the person or persons entitled to have a disbursement or transfer will receive such warrants, notes and coupons, as money; and officers who may be authorized to receive public money, are authorized and directed to receive such warrants, notes, and coupons, as money, except when expressly prohibited by some other law; and any officer, in making such disbursement or transfer, may adjust the balance by receiving a fractional part of the amount of any such warrant, note, or coupon, in any of such funds or specie currency, in whole or part, to be held and applied as that for which it was received, except that Treasury warrants of the State, received by the Treasurer thereof, shall not be re-issued. Every public receiver of such warrants, notes and coupons, on reception thereof, in each case, shall give a receipt officially subscribed, specifying the kind and amount respectively, of the funds received; and shall keep a corresponding account showing the several kinds and amounts received, and from whom; and shall be accountable in kind, with the qualification aforesaid, for whatever he may have thus received, or, in default thereof, for the same amount of specie currency. Any such receiver, in failing to comply with any of the foregoing requisitions, shall be guilty of a misdemeanor; and, on conviction thereof, he shall be punished by fine not exceeding one thousand dollars, or by imprisonment not exceeding one month, or by both fine and imprisonment, as aforesaid, and be removed from office by judgment of the court trying the case.

Sec. 2. This act shall be in force from its passage.

Approved January 11th, 1862.

CHAPTER XLIX.

An Act to amend article 721 of the Code of Criminal Procedure.

Section 1. Be it enacted by the Legislature of the State of Texas, That article 721 of the Code of Criminal Procedure be so amended as hereafter to read as follows, to-wit:

When the defendant appeals in any case of felony, he shall be committed to jail until the decision of the Supreme Court can be made; and if the jail of the county is unsafe, or there be no jail, the Judge of the District Court may, either in term time or in vacation, order the prisoner to be committed to the jail of the nearest county in his district which is safe; and such appeal may be prosecuted immediately to the term of the Supreme Court, pending at the time the same is taken, or to the first term thereafter, without regard to the law governing appeals in other cases; the transcripts of records of such appeals may be filed in the Supreme Court for trial before the adjournment of the term of the District Court at which the case is determined, should the defendant so desire.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved January 11th. 1862.

CHAPTER L.

An Act supplementary to an act to create a Hospital Fund, to be expended for the benefit of the sick and wounded soldiers of the State of Texas in the Confederate army.

Section 1. Be it enacted by the Legislature of the State of Texas, That any

part of the appropriation made by the above recited act, to which this is a supplement, may, by the direction of the Governor, be drawn from the Treasury, by warrants of the Comptroller of the denomination of one dollar or more, as the Governor shall direct, any law to the contrary notwithstanding.

Sec. 2. That fifteen thousand dollars in specie of the special School Fund, in the Treasury, is hereby appropriated to be used as a part of the fund appropriated by the said act, to which this is a supplement; and the funds so drawn from said special School Fund shall be re-imbursed to said Fund by the Treasurer, out of the first specie that shall come into the Treasury not otherwise appropriated; provided, that no part of the one-tenth of the annual revenue of this State, derivable from taxation set apart by the Constitution for school purposes, shall be appropriated under this act; and provided further, that should any of the counties apply for their distributive share of the School Fund it shall be the duty of the Comptroller to draw his warrant or warrants on the Treasurer for the amount due such county from the fund appropriated by this act.

Sec. 3. That this act shall take effect and be in force from and after its passage.
Approved January 13th, 1862.

CHAPTER LI.

An Act to define and punish Sedition, and to prevent the dangers which may arise from persons disaffected to the State.

Section 1. Be it enacted by the Legislature of the State of Texas, That if any person within the State shall maliciously and advisedly discourage the people from enlisting in the service of this State or Confederate States, or dispose the people to favor the enemy, every such person shall be deemed guilty of high misdemeanor, and on conviction thereof, shall be punished by imprisonment in the Penitentiary for a term not less than three nor more than five years, at the discretion of the jury.

Approved January 13th, 1862.

CHAPTER LII.

An Act to authorize the Confederate States of America to become a party to any suit now pending in any of the Courts of this State, in the place and stead of parties to such suits who are alien enemies.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Confederate States of America may be made a party to any suit now pending in any of the Courts of the State, in the place and stead of parties to such suits who are alien enemies, upon motion made in writing by any attorney representing said parties, or who may be authorized to represent the Confederate States; provided, that the suits now under the control of resident attorneys shall not be taken from their control without full payment of their fees.

Sec. 2. That no such suit now pending shall abate by reason of such alienage, but the same shall proceed to trial and judgment, in the name of the Confederate States of America: provided, that nothing herein contained shall be so construed as to repeal or affect an act passed at this session of the Legislature entitled, "An Act suspending all laws for the collection of debts, and liabilities on bonds, promissory notes, bills of exchange and contracts for the payment of money, until the first day of January, A. D. 1864, or until six months after the close of the present war, should it terminate before the date named, or until otherwise provided by law."

Sec. 3. That this act shall take effect and be in force from and after its passage.
Approved January 11th, 1862.

CHAPTER LIII.

An Act prohibiting owners or employers of slaves from placing them in charge of farms or stock ranches, detached or removed from the home or place of residence of the owner or employer.

Section 1. Be it enacted by the Legislature of the State of Texas, That from and after the passage of this act it shall not be lawful for any owner or employer, to place any slave in charge of any farm or stock ranche, detached or removed from the residence or home of such owner or employer.

Sec. 2. That every farmer or stock raiser is hereby required to keep a free white person upon and in charge of any farm or stock ranche, where he may have slaves not immediately under his own control, and connected with his or her home or residence.

Sec. 3. That any person violating the provisions of this act, shall be subject to a fine not less than fifty nor more than one hundred dollars, for each and every violation.

Sec. 4. That the District Judges are required to give this act in charge to the Grand Juries; and it shall take effect and be in force forty days after its passage.

Approved January 11th, 1862.

CHAPTER LIV.

An Act to authorize and regulate funding in loan bonds.

Section 1. Be it enacted by the Legislature of the State of Texas, That any audited indebtedness of the State shall be receivable in payment for its loan bonds.

Sec 2. Any indebtedness of the State for any special fund, which has been or may be used by the State, under any law, shall be substituted, as far as practicable, by loan bonds of the State, which shall inure to the benefit of the interest entitled to such fund, until it shall be reimbursed, and the bonds be thereby re-purchased, when they shall be subject to re-sale, as if they had not been so used; and such adjustments shall be made by the Governor, Comptroller, and Treasurer, acting by a majority.

Sec. 3. This act shall be in force from its passage.

Approved January 13th, 1862.

CHAPTER LV.

An Act to suspend the Statute of Limitations on bills, bonds, promissory notes, and all contracts for the payment of money, until the 1st day of January, 1864, or until six months after the close of the present war.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Statute of Limitations be and the same are hereby suspended, until the 1st day of January, 1864, or until six months after the close of the present war, so far as they refer to debts and claims due on bills, bonds, promissory notes, and all contracts for the payment of money.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved January 13th, 1862.

CHAPTER LVI.

An Act to provide arms and ammunition and for the manufacture of arms and ordinance for the military defence of the State.

Section 1. Be it enacted by the Legislature of the State of Texas, That five hundred thousand dollars of the bonds authorized to be issued by, "An Act authorizing a loan and imposing a specific tax, to meet the principal and interest thereof, under the provisions of the 33d section of the 7th article of the Constitution of the State." approved April 8th, 1861, is hereby appropriated for the pur-

pose of procuring arms and ammunition and for the manufacture of arms and ordnance for the military defence of the State.

Sec. 2. The Governor, Comptroller, and Treasurer, are hereby created a Military Board, any two of whom may act, for the purpose of disposing of said bonds in any manner they may see proper in order to accomplish the objects mentioned in the preceding section. Said Board may sell the bonds for money and then buy the arms and ammunition, or negotiate the bonds for arms and ammunition, or for anything else in order to carry out the provisions of the first section of this act.

Sec. 3. That said Military Board shall have the power to appoint one, or more, agents to negotiate said bonds and to purchase said arms and ammunition, and to superintend the manufacture of arms and ordnance. Such agent or agents shall be governed in his or their negotiations by the instructions of said Military Board.

Sec. 4. Such agent or agents shall be entitled to such reasonable compensation for his or their services as shall be agreed upon between him or them and said Military Board.

Sec. 5. That said Military Board, may, in their discretion, establish a foundry for the manufacture of ordnance and one or more manufactures of small arms, to be located at such place or places as said Board may select.

Sec. 6. That the sum of five thousand dollars, or so much thereof as may be necessary, is hereby appropriated for the purpose of carrying out the provisions of this act.

Sec. 7. That this act shall take effect and be in force from and after its passage. Approved January 11th, 1862.

CHAPTER LVII.

An Act to provide for the perpetuation of testimony during the time limited in in An Act entitled, "An Act suspending all laws for the collection of debts and liabilities on bonds, promissory notes, bills of exchange and contracts for the payment of money, until the 1st day of January 1864, or until six months after the close of the present war should it terminate before the date named, or until otherwise provided by law,—approved 7th December, 1861.

Section 1. Be it enacted by the Legislature of the State of Texas, That during the time mentioned in the act recited in the caption of this act any person or persons desiring to perpetuate the testimony of a witness or witnesses, which may be material to him or them, in support of any cause of action which such person or persons may have against any other person or persons; or in defending any suit which may hereafter be instituted against him or them, may file a statement in the Court of the county where such cause of action might be prosecuted or suit instituted, representing the facts; together with interrogatories propounded to the witness or witnesses, whose testimony is sought to be perpetuated; a copy of which statement and interrogatories shall be served upon the persons interested adversely, whose names shall be mentioned in the statement of facts: where such adverse parties are residents of this state. And in such cases as said adverse parties are non-residents or are absent from the state, or their place of residence is unknown the person or persons, making such applications may make affidavit of such fact; and service of notice of the filing of said statement and interrogatories may be perfected by the publication of an abstract of said statement and the facts sought to be proven by the witness or witnesses, for three consecutive weeks, in a newspaper published in the county, if there be one; and if not then in the newspaper published in the nearest county to the Court where such suit might be instituted; after which notice by personal service or by publication as herein provided; the depositions of the witness or witnesses may be taken and returned by any of the parties to such statement, in like manner as is now provided by law for the taking and returning of depositions of witnesses in civil cases: And shall be entered on the records of the Court, and may be used in any

suit or suits which may be thereafter instituted, by or between any of the parties to the statement or those claiming under them, in like manner, as if such depositions had been taken after the institution of such suit or suits; and when suits have been instituted, all such depositions so taken and returned shall be subject to like exceptions as all other depositions.

Sec. 2. That this Act take effect and be in force from and after its passage.

Approved January 13th, 1862.

CHAPTER LVIII.

An Act to amend the second and third sections of an act, entitled, "An Act authorizing a loan and imposing a specific tax to meet the principal and interest thereof, under the provisions of the 33d section of the 7th article of the Constitution of the State"—approved April 8th, 1861, and supplementary to said act.

Whereas, no bonds have been issued or negotiated under the provisions of the act recited in the caption hereof,—therefore—

Section 1. Be it enacted by the Legislature of the State of Texas, That the second section of said act recited in the caption hereof is hereby amended so that the same section shall hereafter read as follows—viz:

The Governor, Comptroller and Treasurer, or a majority of them, may in their discretion appoint an agent or agents to negotiate the disposition or sale of said bonds from time to time; and in case the bonds are sold for money the proceeds of such sales shall be placed in some bank in the city of New Orleans subject to the orders or drafts of the Comptroller of the State for state purposes, or shall be paid into the State Treasury at Austin, as shall be directed by the authority appointing such agent or agents. All agents appointed under the provisions of this act shall be governed in their negotiations by the instructions of the authority appointing them; and the Governor, Comptroller and Treasurer, or a majority of them, may without the interposition of any agent negotiate the disposition or sale of said bonds for the purposes of this act.

Sec. 2. The third section of said act recited in the caption hereof, is hereby amended so that the same shall hereafter read as follows—viz: The said bonds, or the proceeds of the sale thereof, shall be applied to the following objects and no other purpose whatever. 1st, To the satisfaction or payment of appropriations which have been or may hereafter be made for the purchase of arms and munitions of war, or for the manufacture of arms and ordnance.

2d, To the satisfaction or payment of all indebtedness incurred by the State Convention or under its authority, and to meet any deficit in appropriations made to meet the expenses of said Convention, in case said bonds can be so used.

3rd. To the funding of any indebtedness of the State, present or future, to the payment of all indebtedness of the State created for the defence of the frontier, and to the payment of appropriations which have been or may hereafter be made for the military defence of the State. To the repayment of all disbursements made from the Treasury or anticipated from the accruing revenues of the State, or from any special fund or funds in the State Treasury to meet appropriations to pay the expenses of the State Convention, and of the extra and adjourned sessions of the Legislature. To the payment of any deficit in the appropriations made to meet the ordinary expenses of the Government for the year 1861, arising from the anticipation of the revenue to meet extraordinary demands.

Sec. 3. The bonds and coupons authorized by said act shall be payable at some bank in the city of New Orleans in the State of Louisiana, or at the Treasury of the State at the option of the holder of the same; and in case any such holder shall elect to receive such payment at the Treasury of the State he shall give notice thereof in writing to the Treasurer of the State thirty days before the maturity of such bond or coupon. The tax assessed under and by virtue of said act shall be collected in gold or silver only, any law to the contrary notwithstanding. And this act shall be in force from and after its passage.

Approved January 11th, 1862.

CHAPTER LIX.

An Act to prescribe the duties of the Commissioner of the General Land Office in certain cases.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office is hereby prohibited from issuing patents on any Bounty, Donation or other Certificate for lands, heretofore required by law to be presented to and approved by the Commissioner of the Court of Claims, that have not been approved by said Commissioner or Comptroller acting as such Commissioner or issued by special act of the Legislature.

Sec. 2. That the Commissioner shall reject all Bounty and Donation warrants issued to an assignee since the 24th day of November, 1851, where the same shall appear on the "Black list" compiled from the archives of the late Adjutant General's Office prior to its destruction by fire: provided the rights of the original grantees shall not be impaired thereby.

Sec. 3. That this act take effect from and after its passage.

Approved January 13th, 1862.

CHAPTER LX.

An Act to amend an act entitled an act prescribing the mode of establishing the liabilities of drawers, endorsers of bills of exchange, and promisory notes, approved 20th March, 1848.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sixth section of an act prescribing the mode of establishing the liabilities of drawers and endorsers of Bills of exchange, and promisory notes, approved 20th March, 1848 be so amended as to read as follows: Sec. 6, Three days of grace shall be allowed on all bills of exchange and promisory notes, assignable and negotiable by law.

Approved January 11th, 1862.

CHAPTER LXI.

An Act to amend the fourth section and to repeal the sixth section of an Act entitled "An Act to regulate the Public Printing." Approved 22d November, 1859.

Section 1. Be it enacted by the Legislature of the State of Texas, That the fourth section of the above recited act be amended, so that it shall hereafter read as follows:

"Section 4. Such sealed proposals shall in every instance be accompanied by a bond in the sum of twelve thousand dollars, signed by the party or parties making the proposals, with two or more responsible persons as securities, conditioned, should the proposals be accepted, for the faithful performance of the work in accordance with the bid contained in the proposals accompanying the bond, and in the time and manner prescribed by law, which bond must be submitted to the Secretary of State, Treasurer and Comptroller, or a majority of them, for approval: and no sealed proposals shall be considered, unless accompanied with such bond so to be approved; and that said bond, after its approval and the acceptance of the proposals, shall be filed with such proposals in the office of the Secretary of State."

Sec. 2. Be it further enacted, That the sixth section of the above recited act be, and the same is hereby repealed.

Sec. 3. Be it further enacted, That this act be in force from and after its passage.

Approved January 11th, 1862.

CHAPTER LXII.

An Act for the relief of Companies incorporated for purposes of Internal Improvement, by allowing them further time for performance, on account of the pending war.

Section 1. Be it enacted by the Legislature of the State of Texas, That the

time of the continuance of the present war between the Confederate States and United States of America, shall not be computed against any Internal Improvement Company in reckoning the period allowed them in their charters, by any law, general or special, for the completion of any work contracted by them to do; provided, That this act shall not be so construed as to revive any charter of a Railroad Company which has been forfeited prior to the 21st day of May, 1861.

Sec. 2. The President and Directors of the Houston and Texas Central Railroad Company, shall, before the provisions of this act shall extend to the benefits of said Company, pass a resolution restoring the original bona fide Stockholders of said Company—those who have paid for their stock—to all the rights, privileges and immunities to which they were entitled previous to, and of which they were divested by the sale of said road to W. J. Hutchings and others, and shall forward to the Governor of the State a copy of said resolution, signed by the President and countersigned by the Secretary or Treasurer, under the seal of said Company, and said Company shall not have the power to repeal said resolution so as to defeat the object of this act; provided, That if said original bona fide Stockholders should fail to pay into the treasury of said Company ten per cent. upon their said stock, on or before the expiration of the extension of time provided in this act, for the fulfilment of the charter obligations of said Company to the State, then and in that case said Stockholders shall forfeit all their rights, privileges and property interests as Stockholders in said road.

Sec. 3. The President and Directors of any Railroad Company in this State shall not have the power to sell out Stockholders in said Company by virtue of any law now in force, until the expiration of the time of extension provided in this act for the fulfilment of its charter obligations to the State.

Sec. 4. The provisions of any law, contrary to those of this act, shall have no force or effect so far as they may conflict with the provisions of this act, and this act shall take effect and be in force from and after its passage.

Approved January 11th, 1862.

CHAPTER LXIII.

An Act to repeal "An Act to provide for the funding of the debt contracted for the protection of the frontier," approved March 20, 1861; and to provide for liquidating the funded debt.

Section 1. Be it enacted by the Legislature of Texas, That "An Act to provide for the funding of the debt contracted for the protection of the frontier," approved March 20, 1861, is hereby repealed; and that the debt, of sixteen thousand dollars and interest thereon, which has been funded under that act, shall be liquidated in Treasury Warrants, at par, or in loan bonds, or in money; and for this purpose, that twenty thousand dollars, or so much thereof as may be necessary, is appropriated, to be paid out of any money in the Treasury not otherwise appropriated; and that this act shall have full effect whenever such liquidation shall have been made; and, in the meantime, that no further funding shall be done under said act.

Sec. 2. The Comptroller and Treasurer are authorized to make the liquidation aforesaid; and this act shall take effect from its passage.

Approved January 11th, 1862.

CHAPTER LXIV.

An Act to authorize the Chief Clerk in the Treasury Office to sign the name of the Treasurer in certain cases.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Chief Clerk of the Treasury Office, be and he is hereby authorized to sign the name of the Treasurer, by himself as clerk, whenever by reason of sickness, unavoidable absence, or other cause, the Treasurer's name may not be

affixed by himself; and the signature of the Treasurer affixed by the Chief Clerk as herein provided, shall be as valid as when affixed by himself.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved January 11th, 1862.

CHAPTER LXV.

An Act to repeal a certain act herein specified.

Section 1. Be it enacted by the Legislature of the State of Texas, That an act to provide for the reception and deposit of a portion of the indemnity due the State of Texas, by the United States, for the sale of a portion of her northwestern territory, under the provisions of an act of Congress, approved September 9th, 1850, which act of the Legislature was approved December 16th, 1851, is hereby repealed; but without prejudice to any vested rights, that may have arisen from said act. And this act shall take effect and be in force from its passage.

Approved January 11th, 1862.

CHAPTER LXVI.

"An Act to amend the sixteenth section of an act to provide for the Assessment and Collection of Taxes, approved February 11th, 1850."

Section 1. Be it enacted by the Legislature of the State of Texas, That section sixteen of "An Act to provide for the assessment and collection of taxes, approved February 11th, 1850," be so amended as hereafter to read as follows: If any person shall fail or refuse to pay the taxes imposed upon him and his property by law, until the first day of August next succeeding the return of the assessment roll of his county, to the Comptroller, the Assessor & Collector shall, by virtue of his tax list, levy upon so much property liable to taxation belonging to such person, if to be found in his county, as may be sufficient to pay his or her taxes: provided, however, that if such person, his agent or attorney, shall point out to the Assessor & Collector sufficient property belonging to the party assessed in said county to pay said taxes, then the Assessor & Collector shall levy upon the property so pointed out, and in case the property levied on is about to be removed out of the county, the Assessor & Collector shall proceed to take into his possession so much thereof as will pay the taxes assessed, and the costs of collection; provided, That if the blockade of the ports of Texas be raised before the first day of August next, then the collection of taxes by levy and sale may take place at the expiration of thirty days from said event.

Sec. 2. That this act be in force from and after its passage.

Approved January 11th, 1862.

CHAPTER LXVII.

An Act to provide for taking testimony by deposition during the continuance in force, of an act entitled "An Act suspending all laws for the collection of debts and liabilities on bonds, promissory notes, bills of exchange and contracts, for the payment of money, until the 1st day of January, 1864, or until six months after the close of the present war, should it terminate before the date named, or until otherwise provided by law," approved December 7th, 1861.

Section 1. Be it enacted by the Legislature of the State of Texas, That during the continuance in force of the act mentioned in the caption hereof, parties to suits pending in any court of this State, shall have all the rights and privileges to take the testimony of witnesses by depositions, that were allowed them under the laws in force on that subject at the date of the passage of said act, and said depositions, so taken, shall have the same force and effect, and be subject to the same exceptions, when offered in the trial of any cause, as though obtained prior to the passage of said act, provided depositions of wit-

nesses residing in the county where suits are pending may be taken in like manner with witnesses residing out of the county.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved January 11th, 1862.

CHAPTER LXVIII.

An Act changing the time of holding the District Courts in the Ninth Judicial District.

Section 1. Be it enacted by the Legislature of the State of Texas, That the District Courts of the Ninth Judicial District, shall hereafter be held as follows:

The District Court of Houston county shall be held on the third Mondays of February and August, and may continue in session three weeks.

The District Court of Cherokee county shall be held on the third Monday after the third Mondays in February and August, and may continue in session five weeks.

The District Court of Anderson county shall be held on the eighth Monday after the third Mondays in February and August, and may continue in session four weeks.

The District Court of Henderson county shall be held on the twelfth Monday after the third Mondays in February and August, and may continue in session three weeks.

The District Court of Smith county shall be held on the third Mondays of January and July, and may continue in session to, and including, Thursday of the week preceding the day fixed for the time of holding Courts in Houston county.

Sec. 2. All writs and process of every description pertaining to said courts, shall be returned in accordance with the provisions of this act after it goes into effect, and all writs, process, bonds, recognizances, issued, made or entered into to that date, shall not be effected by the passage hereof.

Approved January 11th, 1862.

CHAPTER LXIX.

An Act for the relief of Railroad Companies.

Section 1. Be it enacted by the Legislature of the State of Texas, That the failure of any chartered Railroad Company in this State to complete any section or fraction of a section of its road, as required by the existing laws, shall not operate as a forfeiture of its charter or of the lands to which said Company would be entitled under the provisions of an act, entitled "An Act to encourage the construction of Railroads in Texas, by donations of land," approved January 30th, 1854, and the several acts supplementary thereto, provided said Company shall complete such section or fraction of a section as would entitle it to donations of land under existing laws, within two years after the close of the present war between the Confederate States, and the United States of America.

Sec. 2. That during the time named in the first section of this act, any such Company having completed and in running order, twenty-five miles of its road, shall be entitled to receive from the State a grant of sixteen sections of land for every mile of road constructed, or which may hereafter be constructed, and put in running order, beyond the said section of twenty-five miles; provided, That no Company shall receive from the State more than sixteen sections of land per mile for any portion of its road now or hereafter constructed, unless otherwise provided by its charter, or special provision of some law.

Sec. 3. That upon the application of any Company which may have completed any portion of its road beyond the said section of twenty-five miles, the Commissioner of the General Land Office shall issue to said Company certi-

lates for the lands to which it may be entitled under the provisions of this act, and which may have been designated, and caused to be surveyed by said Company in accordance with existing laws; provided, That this act shall not be so construed as to conflict with, or in any manner alter, or change the provisions of an act, entitled "An Act for the relief of the Memphis and El Paso Railroad Company, and all other Railroad Companies," passed March 20th, 1861.

Sec. 4. That the lands to which any such company may now be entitled in pursuance of this act, may be designated, surveyed and patented at any time within two years after the passage of this act: and the President and Directors of the Houston and Texas Central Railroad Company shall, before the provisions of this act shall extend to the benefit of said company, pass a resolution restoring the original bona fide stock-holders of said company—those who have paid for stock—to all the rights, privileges and immunities, to which they were entitled previous to and of which they were divested by the sale of said road to W. J. Hutchins and others, and shall forward to the Governor of the State a copy of said resolution, signed by the President, and countersigned by the Secretary or Treasurer, under the seal of said company; and said company shall not have the power to repeal said resolution, so as to defeat the object of this act; provided, that if the said original bona fide stock-holders should fail to pay into the Treasury of said company ten per cent. upon their said stock, on or before the expiration of the extension of time provided in this act for railroad companies, to fulfil their charter obligations to the State, then, and in that case, said stockholders shall forfeit all their rights, privileges, and property interests, as stock-holders, in said road.

Sec. 5. That this act take effect and be in force from and after its passage.

Approved January 11th, 1862.

CHAPTER LXX.

An Act making appropriations for the use and support of the State Government, for the years 1862 and 1863.

Section 1. Be it enacted by the Legislature of the State of Texas, That the following sums be, and they are hereby appropriated for the use and support of the State Government, for the years 1862 and 1863.

LEGISLATURE.

For the purchase of fire wood and stationery for the next Legislature	\$1,000
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JUDICIARY—SUPREME COURT.

Salary of three Judges, each, per annum, \$3,000	\$9,000—\$18,000
Contingent expenses of Supreme Court, per annum	1,150— 2,300
Pay of Sheriffs, Supreme Court, per annum	600— 1,218
Porter hire, Supreme Court, per annum	203— 406
Publishing Reports, per annum	7,000— 14,000
Clerk's Fees in felony cases, per annum	150— 300

DISTRICT COURTS.

Salary of twenty Judges, each, per annum, \$2,250	45,000— 90,000
Salary of twenty Attorneys, each, per annum, \$500	10,000— 20,000
Costs due Clerks, Sheriffs and Attorneys, per annum	5,000— 10,000

ATTORNEY GENERAL'S OFFICE.

Salary of Attorney General, per annum	1,800— 3,600
Contingent fund, per annum	100— 200
Fees in felony cases, per annum	250— 500

EXECUTIVE--GOVERNOR'S OFFICE.

Salary of Governor, per annum.....	\$3,000—	\$6,000
Salary of Private Secretary, per annum	900—	1,800
Contingent Expenses, per annum.....	500—	1,000
Recovering fugitives from justice, per annum.....	2,500—	5,000
Publishing proclamations, per annum.....	750—	1,500
Furnishing Governor's mansion.....	500—	1,000

SECRETARY OF STATE'S OFFICE.

Salary of Secretary of State, per annum.....	1,800—	3,600
Salary of Chief Clerk, per annum.....	1,400—	2,800
Printing, per annum.....	300—	600
Porter hire and wood, per annum	100—	200
Postage, per annum.....	200—	400
Contingent expenses, per annum.....	150—	300
Stationery and Books, per annum.....	100—	200
Extra clerk hire, and other expenses, per annum.....	400—	800
Distributing Laws and Journals, 9th Legislature, and Reports of Supreme Court		2,000
Printing Laws and Journals, 9th Legislature.....		12,000
Printing biennial reports.....		3,000

COMPTROLLER'S OFFICE.

Salary of Comptroller, per annum.....	1,800—	3,600
Salary of Chief Clerk, per annum.....	1,400—	2,800
Salary of Tax Clerk, per annum.....	1,200—	2,400
Civil Accountant, per annum	1,200—	2,400
Military Accountant, per annum	1,200—	2,400
Salary of four assistant clerks, at \$900 each, per annum.....	3,600—	7,200
Contingent expenses, per annum.....	200—	400
Books and stationery, per annum.....	300—	600
Printing, per annum.....	250—	500
Blank assessment rolls, per annum.....	600—	1,200
Fire-wood for Treasury buildings, per annum.....	200—	400
Porter hire, Treasury buildings, per annum.....	250—	500
Printing and compiling abstract of lands.....		1,000
For blank Treasury Warrants.....		2,500

TREASURER'S OFFICE.

Salary of Treasurer, per annum.....	1,800—	3,600
Salary of Chief Clerk, per annum.....	1,200—	2,400
Contingent expenses, per annum.....	200—	400
Stationery, postage and printing, per annum.....	150—	300

GENERAL LAND OFFICE.

Salary of Commissioner, per annum.....	2,000—	4,000
Salary of Chief Clerk, per annum.....	1,400—	2,800
Salary of Translator, per annum.....	1,200—	2,400
Salary of Receiver, per annum.....	1,200—	2,400
Salary of Chief Draftsman, per annum.....	1,200—	2,400
Salary of three Assistant Draftsmen, each, \$1,100, per annum.....	3,000—	6,600
Salary of six 2d Assistant Draftsmen, each \$1,000, per annum.....	6,000—	12,000
Salary of twelve Assistant Clerks, each, \$900 per annum.....	10,800—	21,600
Stationery, per annum	1,000—	2,000
Contingent expenses, per annum.....	300—	600
Postage, per annum.....	400—	800
Fire wood, per annum.....	250—	500
Printing, per annum.....	100—	200
Porter hire, per annum.....	250—	500

ASYLUMS.

Support of Lunatic Asylum, annually.....	12,000—	24,000
Support of Deaf and Dumb Asylum, annually.....	8,500—	17,000
Support of Blind Asylum, annually.....	5,500—	11,000

PENITENTIARY.

Salary of Superintendent, per annum.....	1,500—	3,000
Salary of Financial Agent, per annum.....	1,500—	3,000
Salary of three Directors, each, per annum, \$250	750—	1,500
Salary of Chaplain, per annum.....	250—	500
Salary of Physician, per annum.....	500—	1,000
Transportation of convicts.....		15,000
Stationery, Postage and printing, annually.....	150—	300

PENSIONS.

Alsbury, Juana Navarro, per annum.....	100—	200
Anderson, W. H., per annum	100—	200
Barnett, Thomas, per annum.....	100—	200
Cole, David, per annum.....	100—	200
Day, James M., per annum.....	100—	200
Davis, Rolla M., per annum.....	100—	200
Field, Joseph E., per annum.....	200—	400
Nichols, James W., per annum	100—	200
Norris, Thomas, per annum.....	100—	200
Smith, H. M., per annum.....	250—	500
Shepherd, Charles, per annum.....	125—	250
Thacker, J. B., per annum.....	100—	200
Webb, David, per annum.....	100—	200
Stump, John S., per annum.....	200—	400
Cooper, Dillard, per annum.....	200—	400

MISCELLANEOUS.

Boring Artesian Well, &c.....	3,000
Repairs on Public Buildings.....	1,000
Taking Scholastic Census, 1862 and '3, (out of interest on School Fund)	11,000
Slaves executed, per annum	4,000— 8,000
Due the San Antonio Texan, for advertising Artesian Wells contracts.....	81 00
Balance due Sampson & Hendricks, furnishing Executive Mansion....	75 90
For printing bill organizing Militia.....	675 00
For surveying Toby Scrip-land.....	10 90
For advertising boring Artesian Wells in the West, to J. Marshall & Co.	72 00
Balance due Johan Peterson on boring well in Capital square.....	465 88

ADJUTANT GENERAL'S OFFICE.

Salary of Adjutant General, per annum.....	2,000—	4,000
Salary of Assistant Quartermaster, per annum.....	1,200—	2,400
Salary of three clerks, each, \$900 per annum.....	2,700—	5,400
Books and stationery, per annum.....	100—	200
Porter hire and wood, per annum.....	100—	200
Postage, per annum	300—	600
Printing, per annum	100—	200
Contingent expenses, per annum.....	150—	300

Sett 2. That this act take effect from and after its passage.
Approved, January 13, 1862.

CHAPTER LXXI.

An Act to amend "An Act amendatory of the laws to raise revenue by taxation," approved February 16th, 1858; and to amend an act entitled "An Act to amend an act amendatory of the laws to raise revenue by taxation, approved Feb. 16th, 1858," approved April 8th, 1861.

Section 1. Be it enacted by the Legislature of the State of Texas, That the first section of the above-named act, approved February 16th, 1858, shall be amended so as to read as follows:

There shall be levied and collected, for the use of the State, an annual direct ad valorem tax of twenty-five cents upon each hundred dollars value of property, real and personal, in this State, except such property as may be exempt by law from taxation, which tax shall include the specific tax of four cents on the \$100. provided by law, for the payment of interest and principal of loan.

Sec. 2. That section 2d of said act shall hereafter read as follows: There shall be assessed and collected of every free male person, over the age of twenty-one years, resident in this State, idiots and persons non compos mentis excepted, a poll-tax of one dollar each.

Sec. 3. That section 6th of said act shall hereafter read as follows: There shall be assessed and collected of each and every person pursuing the occupation of hawker, peddler of goods, or other articles not manufactured in the State, an annual direct tax of fifty dollars, in each county in which he may pursue such occupation; of each and every person or firm keeping a billiard table, an annual direct tax of fifty dollars for each table so kept; of each and every person or firm keeping a nine or ten pin alley, an annual direct tax of forty dollars for each alley so kept; of each and every person or firm keeping a hotel in towns of five hundred inhabitants or less, ten dollars; in any town with over five hundred and under two thousand inhabitants, fifteen dollars; in any town with over two thousand and under five thousand inhabitants, twenty dollars; in every town with five thousand or over inhabitants, thirty dollars; on each and every person or firm keeping any restaurant, cook shop, or eating house, for pay or emolument, fifteen dollars; on each and every person or firm keeping any brewery, twenty dollars; on each and every person or firm keeping any beer shop, in which no vinous or spirituous liquors are vended, twenty-five dollars; on each and every person or firm keeping any distillery of spirituous liquors, fifty dollars; on each and every person or firm keeping any storage warehouse, ten dollars; on each and every person or firm engaged in re-pressing cotton, twenty-five dollars; on each insurance company, fifty dollars; on each and every person or firm keeping a livery stable, fifteen dollars; on each and every toll bridge or ferry kept and used for pay as much as six months in each year, ten dollars; on each and every person engaged in the practice of law, medicine or dentistry, for pay or emolument, ten dollars; on each and every person having a fixed annual salary, whether as a public officer or by private contract, twenty-five cents on each hundred dollars of such salary, over and above five hundred dollars; on each and every firm or person keeping a race track, forty dollars; on each and every person or firm pursuing the occupation of real estate broker, ship broker, cotton broker, or any commission business, for each and every such establishment, twenty dollars; on each person or firm engaged in the business of underwriting, or selling dry goods, groceries, or drugs and medicines, ten dollars; on each and every pawn-broker, forty dollars; on each and every person engaged in negro trading, for each negro sold, five dollars. It shall be the duty of every person or firm engaged in the occupation of hawker or peddler, billiard table keeper, keeper of nine or ten pin alleys, cook shop, eating house or restaurant, race track, auctioneer, hotel keeper, or pawn-broker, before entering upon any such occupation, to first call upon the Assessor and Collector of the county in which he may intend to follow such occupation, and pay the tax required, and take a receipt for the same, setting forth the occupation, and the amount of tax paid, which receipt he shall file with the clerk of the county court, who shall thereupon issue to him a license to follow such occupation for the term for which the license tax has been

paid, and any person failing to do so shall be required to pay a double tax. It shall be further the duty of the clerk to keep a book, in which he shall enter the names of all persons obtaining a license, with the amount of tax paid, and the date of the license, which book shall at all times be open to the inspection of the county court, and to all officers, executive and judicial, of his county, a transcript of which book, certified by the Chief Justice, and under the seal of the court, he shall transmit to the Comptroller, on the 1st day of June, in each and every year; for which service the Clerk shall be entitled to a fee of one dollar in each case, to be paid by the party obtaining the license.

Sec. 4. That the first section of said act, approved April 8th, 1861, recited in the caption hereof, shall hereafter read as follows: There shall be assessed and collected of each person, firm, or public corporation, having money or paper currency circulating as money loaned at interest, buying or selling exchange, or buying or selling notes of hand, and on all money or paper currency circulating as money, hoarded or kept on hand, beyond the sum of two hundred dollars, a tax at the rate of twenty-five cents on each hundred dollars loaned, hoarded or kept on hand, and on the amount of capital used for the purchasing of notes or exchange; and any person, firm or public corporation having money or paper currency circulating as money, or hoarded, loaned at interest, or money, or paper currency, circulated as money, used in purchasing notes or exchange, or hoarded or kept on hand, beyond the sum of two hundred dollars, who shall fail or refuse to give in the same for taxation, shall, upon conviction before any court having competent jurisdiction, forfeit ten per centum of the amount of money, or paper currency circulating as money, thus loaned or kept on hand, beyond two hundred dollars, or used in purchasing notes or exchange, and not given in for taxation, to the use of the informant and of the State, each one-half. That each and every person or firm engaged in the sale of goods, wares and merchandize, vinous or spirituous liquors, when sold in quantities of a quart or more, shall pay a tax of twenty-five cents on each hundred dollars value of such articles purchased for sale, or received for sale as agent or auctioneer by such person or firm; and it shall be the duty of each Assessor and Collector in this State, once in every three months, or oftener, to call upon such person or firm so occupied or engaged, in his county, for an account of such purchase or consignments, to be made under oath; and every person or firm, when so called upon, who shall fail or refuse to furnish such Assessor and Collector with an account of such purchase or consignment, during the term for which the assessment is to be made, shall be liable to a penalty of fifty dollars for each failure or neglect, to be recovered on information of the Assessor and Collector, before any Justice of the Peace of the proper county, by a suit in the name of the State: and this specific tax levied shall exempt the goods, wares and merchandize of such person or firm from the ad valorem tax levied by this act.

Sec. 5. That the provisions of all acts conflicting with this act are hereby repealed, except so far as relates to the collection of taxes which have heretofore accrued and remain uncollected, under the provisions of former laws.

Sec. 6. That this act be in force and take effect from and after its passage.

Approved, January 13th. 1862.

CHAPTER LXXII.

An Act to protect Public Buildings.

Section 1. Be it enacted by the Legislature of the State of Texas, That any person or persons who may deface, injure or destroy any public buildings, shall, upon conviction thereof, in any court of competent jurisdiction, be fined not less than five dollars, nor more than full damage done thereto.

Sec. 2. It shall be the duty of all Sheriffs, Justices of the Peace, Chief Justices of the counties, and Commissioners of county courts, to aid in the execution of this law: and it is hereby made the duty of the aforesaid officers

to report all such offences to the next succeeding grand jury of their respective counties.

Sec. 3. That this act take effect from and after its passage.

Passed January 4th, 1862.

CHAPTER LXXIII.

An Act to repeal a certain act specified in this act.

Section 1. Be it enacted by the Legislature of the State of Texas, That "An Act providing for the investment of the Sinking Fund, approved February 13th, 1860," is hereby repealed; but, without prejudice to any vested right which has arisen under this act; and that this act be in force from its passage.

Approved, January 14th, 1862.

CHAPTER LXXIV.

An Act to amend section 5th of an act entitled "An Act to provide for the organization of the State Lunatic Asylum, and for the care and maintenance of the insane, approved February 5th, 1858."

Section 1. Be it enacted by the Legislature of the State of Texas, That the 5th section of an act entitled "An Act to provide for the organization of the State Lunatic Asylum, and for the care and maintenance of the insane, approved February 5th, 1858," shall hereafter read as follows:

Article 1370. The Superintendent shall be a married man and a skillful physician, experienced in the treatment of the insane. He shall continue in office for the term of four years from the time of his appointment, unless sooner removed by the Governor for dishonesty, incapacity, inefficiency, misconduct, or neglect of duty, and when so removed, the removal shall be reported by the Governor to the Legislature, together with the reasons therefor. He shall reside in the Asylum, with his family, when required to do so by the managers.

Sec. 2. This act shall take effect from and after its passage.

Approved January 13, 1862.

CHAPTER LXXV.

An Act providing for the recovery of State arms.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Governor be, and he is hereby directed, to require of all persons having State arms in their possession in violation of law, to return such arms to the Chief Justice of the county where such person resides, within thirty days after proclamation by the Governor requiring the same: and any person refusing or neglecting so to do shall be deemed guilty of a misdemeanor, and liable to indictment and fine, upon conviction, in a sum of not less than fifty nor more than one hundred dollars, to be recovered as provided for by law.

Sec. 2. That this act shall take effect and be in force from and after its passage.

Approved January 13th, 1862.

CHAPTER LXXVI.

An Act to appropriate funds for Military purposes.

Section 1. Be it enacted by the Legislature of the State of Texas. That one million of dollars, or so much thereof as may be necessary, is hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for military purposes, as follows: For the support, comfort, and efficiency of State troops, if called into active service: for the purchase of arms

and munitions of war of all kinds, that may be necessary and proper; for the manufacture of such arms and munitions, and the purchase, in any market, of materials therefor; for procuring necessary armories and other places for storing public military property, for preservation, care, and use of such property; for stationary works of defence, and nautical vessels and instruments, if necessary; for the necessary maintenance of troops along the interior frontier under the law for its defense; and for all necessary and proper incidents of the foregoing military purposes. And for the purposes aforesaid, as embraced in the foregoing general appropriation, the specie money and Confederate Treasury Notes, which may come into the treasury from all sources, except specific taxes and special school funds, shall be specifically used; and such funds shall not be used for any other purpose, unless otherwise provided by law. Provided, that there shall be excepted from said specific funds the following amounts, for the respective purposes connected therewith: twenty-five thousand dollars for defraying the current expenses of the Lunatic Asylum, and the Institutions for educating the Blind, Deaf, and Dumb, without including in this mode of payment, the salaries of the officers of said establishments; three thousand dollars for payment of the postage of the Executive and other departments; twelve hundred dollars for obtaining blanks for Treasury Warrants; and these amounts are hereby specially reserved for said objects, respectively, and specific appropriations therefor, or so much of each amount as may be necessary for its particular object as aforesaid.

Sec. 2. This act shall be in force from its passage.

Approved, January 14th, 1862.

CHAPTER LXXVII.

An Act supplemental to "An Act to provide for auditing and settling all claims against the State on account of Volunteer Companies, called out by the Governor or Committee of Safety, and for the defence of the State, and providing payment for the officers and men thereof," approved January 4th, 1862.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Governor is authorized to take necessary measures for proper presentation to the Confederate Government of the claims of this State, including the appropriate vouchers and accounts, against that government, to be prepared under the act to which this is supplemental, and for receiving from that government such payments or obligations for payment as it may be prepared to make or give; and for placing such receipts in the Treasury, except as may be otherwise provided by law; and that one thousand dollars, or so much thereof as may be necessary, be appropriated to defray the expenses of said business, to be paid out of any money in the Treasury, not otherwise appropriated; and this act shall be in force from its passage.

Approved, January 14th, 1862.

CHAPTER LXXVIII.

An Act for the relief of Pre-emption Settlers.

Section 1. Be it enacted by the Legislature of the State of Texas, That no pre-emptor who has entered into the service of this State, or the Confederate States, as a soldier, shall by his absence in said service forfeit any right now secured to him, under the pre-emption laws of this State, but he shall have the same time to perfect his title after such service expires, as is now required by law.

Sec. 2. That in case of death of any such pre-emptor, while in said service, his heirs shall have the same time to perfect the title to such land as now allowed to pre-emptors under existing laws.

Sec. 3. That this act take effect and be in force from and after its passage.

Approved January 14th, 1862.

CHAPTER LXXIX.

An Act requiring the Comptroller to rent out certain Public Buildings and other houses in the City of Austin, belonging to the State.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Comptroller of Public Accounts, be and he is required to take charge of and rent out any and all houses, in the City of Austin, situate upon any lot, or lots belonging to the State, and not occupied for State purposes, to the highest bidder, for such length of time as he may direct, and on a credit not to exceed twelve months from the date of such renting, taking notes with approved personal security therefor.

Sec. 2. That the Comptroller is further required to rent out in like manner the rooms in the old Land Office building, not occupied by any State officer for whom the State furnishes an office; Provided the use and occupation of said rooms shall not at any time interfere with or prevent the use of the same, by any officer or committee of any regular or extra session of the State Legislature.

Sec. 3. That this act take effect and be in force from and after its passage.

Approved, January 13th, 1862.

CHAPTER LXXX.

An Act supplemental to, and amendatory of An Act to provide for the appointment of Patrols, and to prescribe their duties and powers, approved May 9th, 1846, and to repeal section ten of said act.

Section 1. Be it enacted by the Legislature of the State of Texas, That the county court of every county shall, at each regular term, appoint a patrol detachment, to consist of one captain and not less than five, nor more than twenty privates, for each or any district, or company division in the county, whose term of service shall be three months from the time of their appointment, provided that one-half of the patrol appointed shall be owners of slaves or their substitutes.

Sec. 2. The county court shall, at the time of appointing said detachment, divide and lay off each civil district into as many patrol districts as they may think expedient and proper, for the efficient execution of the patrol law, and shall make such rules and regulations, not inconsistent with the laws of the State, for the government of such detachments as they deem proper.

Sec. 3. The captain and privates of each detachment shall be appointed from among the citizens of the division or district, and shall patrol said district at least once a week, and as much oftener as the peace and quiet of the community may require, by visiting the negro quarters and other places in the district, where it may be suspected that slaves are improperly or unlawfully assembled; and it shall be the duty of the Captain to report any private for failure to perform duty, or obey orders, under this act, and on failure of the captain so to report, he shall be deemed guilty of a misdemeanor, and on conviction before any Justice of the Peace, shall be fined not less than one nor more than five dollars, for each failure to report.

Sec. 4. Whenever a detachment or part thereof, shall find any slave off the plantation, or other premises of the master, mistress, or employer, strolling about without a pass, or written permission, from some one authorized to give the same, the said detachment or part thereof, may give to such slave any number of lashes not exceeding twenty-five; and the pass or permit shall be in writing, and state the place to which, or business on which said slave is to go, and the time of absence, and if said slave is allowed to ride, the fact must be stated, and the slave, to avoid the punishment herein, must go some direct or usually traveled way. Provided, that in case the slave is after medical aid, he may pass without such written permit.

Sec. 5. That section ten of said act be, and the same is hereby repealed: and this act take effect and be in force from and after its passage.

Approved January 13th, 1862.

CHAPTER LXXXI.

An Act to provide funds for Military purposes.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Governor, Comptroller, and Treasurer, shall constitute a military board; and a majority of said board shall have the power to provide for the defence of the State by means of any bonds and coupons, which may be in the Treasury on any account, and may so use such funds or their proceeds, and therefor, may sell, hypothecate, or barter such bonds and coupons; provided such disposal shall not exceed the amount of one million of dollars of such bonds and coupons; and that they shall not be disposed of at any discount greater than twenty per cent of their face amounts.

Sec. 2. Any bonds that may be disposed of under the provisions of this act, shall be substituted by equal amounts of any bonds of the Confederate States of America, that may be obtained by this State, and the bonds so substituted, respectively, in all respects, shall be in place of the funds disposed of as aforesaid.

Sec. 3. That this act be in force from and after its passage.

Approved, January 11th, 1862.

CHAPTER LXXXII.

An Act supplemental to and amendatory of An Act making appropriation for the support of the State Government for the years 1862 and 1863.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of two thousand dollars per annum be and the same is hereby appropriated to pay the salary of the Superintendent of the Lunatic Asylum, and the sum of two hundred and fifty dollars be and the same is hereby appropriated to pay the deficit in the appropriation for the past two years for the Blind Asylum.

Sec. 2. That this act take effect from and after its passage.

Approved January 13th, 1862.

CHAPTER LXXXIII.

An Act making an appropriation for the mileage and per diem pay of the members, and the per diem pay of the officers of the Ninth Legislature of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of seventy-five thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the mileage and per diem pay of the members, and the per diem pay of the officers of the Ninth Legislature of the State of Texas.

Sec. 2. That the certificate of the Secretary of the Senate and the certificate of the Chief Clerk of the House, shall be sufficient evidence to the Comptroller, upon which he shall audit the claims and draw his warrants upon the Treasurer for the respective amounts.

Sec. 3. That in case there be no funds in the Treasury, the Comptroller shall draw his warrants upon the Treasurer; said warrants shall be receivable for taxes and other public dues, as may be provided by the general law; one-tenth of each claim may be issued, if the claimant so desire it, in one dollar warrants. For the other nine-tenths of the claim, no warrant shall be drawn of a less denomination than five dollars.

Sec. 4. That this act take effect from and after its passage.

Approved, January 13th, 1862.

CHAPTER LXXXIV.

An Act to provide for contingent services in the Comptroller's Office.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Comptroller is authorized to employ additional clerks, on extraordinary occasions, to dispatch the business of his office, as he may consider necessary; provided the expense thereof, until the first Monday of November, one thousand eight hundred and sixty-three, shall not exceed thirty-two hundred dollars; and that amount, or so much thereof as may be necessary, is hereby appropriated for the purpose aforesaid, to be paid out of any money in the Treasury, not otherwise appropriated; and that this act shall be in force from its passage.

Approved January 14th, 1862.

CHAPTER LXXXV.

An Act to punish speculations in certain cases.

Section 1. Be it enacted by the Legislature of the State of Texas, That if any person shall fraudulently, for lucre or gain, purchase any article of clothing, shoes, leather, cloth, or any other article of clothing, provisions, wheat, flour, corn, corn meal, meat, hogs, horses, cattle, or any other of the necessities of life of any description, and shall falsely represent that he or they are purchasing such articles for the soldiers or army of the State, or of the Confederate States of America, or shall by any fraudulent contrivance induce or attempt to induce the vendor or donor to believe that they are purchasing such articles for the army of the State, or Confederate States of America, with an intent to make a profit upon such purchase, such person so offending shall be guilty of felony, and upon conviction shall be punished by confinement in the penitentiary, at hard labor, for not less than two or more than five years.

Sec. 2. That if any Quartermaster or Commissary, or person of the army of this State or of the Confederate States of America, who is authorized or empowered to purchase supplies of any and every kind for said army, shall be directly or indirectly interested in the purchase of such articles, by himself, or through an agent or agents, for his or their profits, or shall make profit or gain by such purchase, beyond the fees or salaries allowed by law to them, he, or they, so offending shall be guilty of a felony, and shall be punished by confinement in the penitentiary, at hard labor, for not less than two nor more than ten years.

Sec. 3. This act shall remain in force until the end of the present war between the Confederate States and the United States; but the termination of such war shall not abate any prosecution then pending under this act, nor shall it be a bar to the prosecution of any violation of this act that may have been committed during the aforesaid war.

Approved January 13th, 1862.

CHAPTER LXXXVI.

An Act supplementary to an Act, making an appropriation to pay the contingent expenses of the Ninth Legislature, approved the 9th day December, 1861.

Section 1. Be it enacted by the Legislature of the State of Texas, That the further sum of fifteen hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury, not otherwise appropriated, to pay the contingent expenses of the Ninth Legislature.

Sec. 2. If there is not sufficient specie in the Treasury of the State of Texas, to satisfy the contingent fund appropriated by the act, to which this is a supplement, and the appropriation herein made for that purpose, not otherwise appropriated, then the Treasurer is authorized to pay any drafts drawn against such contingent fund, out of the specie in the Treasury belonging to

the University land sale, or out of the fund belonging to escheated property, after the fund belonging to the University Land Sale may have been exhausted, to supply such deficiency; which money so used shall be replaced by the Treasurer to these respective funds, out of any money coming into the Treasury, not otherwise appropriated.

Sec. 3. This act shall take effect and be in force from and after its passage.

Passed January 9th, 1862.

CHAPTER LXXXVII.

An Act to fix the salaries of the officers and clerks therein named.

Section 1. Be it enacted by the Legislature of the State of Texas, That the salary of the Governor's private secretary shall be nine hundred dollars per annum.

Sec. 2. The salary of the Spanish Clerk of the General Land Office shall be twelve hundred dollars per annum. That the salary of the principal Draftsman shall be twelve hundred dollars per annum. That the salaries of the three assistant Draftsmen shall be eleven hundred dollars each per annum. That the salaries of six 2d assistant Draftsmen shall be one thousand dollars each per annum, and no more Draftsmen shall be employed than those named above. The salaries of twelve assistant Clerks shall be nine hundred dollars each per annum, and no more assistant clerks shall be employed than those named above.

Sec. 3. That the salary of the Clerk of the State Department shall be fourteen hundred dollars per annum.

Sec. 4. That the salaries of the Chief Tax Clerk and of the accountants in the Comptroller's Office shall be twelve hundred dollars each per annum.

Sec. 5. That all laws and parts of laws conflicting with the provisions of this act are hereby repealed.

Sec. 6. That this act take effect and be in force from and after its passage.

Approved, January 14th, 1862.

CHAPTER LXXXVIII.

An Act supplemental and amendatory of an Act entitled "An Act prescribing the manner of authenticating instruments for record," approved April 6th, 1861.

Section 1. Be it enacted by the Legislature of the State of Texas, That the first section of the above recited act be amended so that the same shall hereafter read as follows:

"Section 1. That the proof of every instrument of writing, for record, shall be taken by some one of the following officers: First, when acknowledged or proven within the State before some Notary Public, Clerk of the County Court, or his deputy, or Judge of a Court of Record; second, when acknowledged or proven without this State and within the Confederate States of America, or their Territories, or the United States of America, or their Territories, before some Judge of a Court of Record having a seal; third, when acknowledged or proven without the Confederate States or United States, before some public minister, Charge d'Affaires, or Consul of the Confederate States; and in all cases the certificate of such acknowledgement, or proof, shall be attested under the official seal of the officer taking the same; that when any deed, transfer, or other instrument of writing executed by the president of any railroad company which has been or may be incorporated by the laws of this State, shall be attested by the seal of said company, it shall be considered sufficiently authenticated to authorize the Clerk of the County Court to record the same."

Sec. 2. That all acts of deputies of County Clerks in taking acknowledgements or proofs of instruments of writing for record, since the passage of the act hereby amended, are hereby confirmed and declared valid.

Sec. 3. That this act be in force from and after its passage.

Approved January 14th, 1862.

JOINT RESOLUTIONS.

CHAPTER I.

Joint Resolution authorizing the Governor to appoint Agents, to receive and forward clothing, blankets and other necessities, contributed by our citizens, for the Soldiers of Texas; and to prescribe their duties.

Section 1. Be it resolved by the Legislature of the State of Texas, That the Governor of the State is hereby required to commission as many competent persons as he may deem expedient, subject to removal by the Governor for failing to perform the service contemplated in this joint resolution; to receive and forward such articles of clothing, blankets and other necessities, contributed by the citizens, for our brave soldiers during the present war; which said agents are expected to perform said service without charge to the State.

Sec. 2. Said Agents shall keep a list of all articles subscribed, or delivered to them, with the names of the parties donating, and for whose particular benefit the same are contributed; and shall also keep a list of all articles forwarded, and take receipts for said articles, from such persons to whom they may under the instructions from the Governor, or of the proper Department of the Confederate Government, deliver the same for transportation.

Sec. 3. That the Governor is required to furnish said Agents with instructions, and supply such deficiency in the arrangement made by the Confederate Government, or means if necessary, as may be necessary to ensure the safe transportation of the articles to their destination. And that the Agents report their transactions from time to time, to the Adjutant General of this State.

Sec. 4. That this joint resolution shall take effect and be in force from and after its passage.

Approved, November 23d, 1861.

CHAPTER II.

Joint Resolution making an appropriation for the Mileage and per diem pay of the Presidential Electors for the year 1861.

Section 1. Resolved by the Legislature of the State of Texas, That the Comptroller be required to issue to each of the Presidential Electors a draft or drafts on the Assessors and Collectors of their respective counties, for their mileage and per diem.

Sec. 2. That the sum of one thousand dollars, or so much thereof as may be necessary, is hereby appropriated, and this act take effect and be in force, from and after its passage.

Approved December 7th, 1861.

CHAPTER III.

Joint Resolution in relation to the suspension of the Custom Houses on the sea coast and on the Rio Grande Frontier, in the Confederate States during the blockade.

Whereas, The existence of the blockade and the small amount of revenue arising from customs in consequence, and the necessity of permitting foreign vessels to bring merchandise to our shores free of duty, being of paramount importance, therefore,

Be it Resolved by the Legislature of the State of Texas, That our representatives be requested to use their influence in the Provisional Congress, to have all the Custom Houses along the seaboard and on the Rio Grande frontier suspended during the blockade, or until our ports are opened to the trade of nations that may have intercourse with this Confederacy.

Be it further Resolved, That the Governor be instructed to have a copy of the above preamble and resolution forwarded to our Representatives in Congress.

Approved, December 9th, 1861.

CHAPTER IV.

JOINT RESOLUTION.

Resolved by the Legislature of the State of Texas, That we highly approve of the promptness with which the President of the Confederate States has made preparation to retaliate in the event that the Lincoln Government should execute, as pirates, any or all of the crew of the privateer Savannah, and we express the decided opinion that retaliation should be strictly and rigidly practiced by our Government in all such cases.

Resolved, That the Governor of this State, transmit a copy of this resolution to our members in the Confederate Congress, and that they lay it before President Davis.

Approved December 9th, 1861.

CHAPTER V.

Joint Resolution proposing an amendment to the State Constitution.

Be it resolved by the Legislature of the State of Texas, That the 3d section of the 10th article of the Constitution of the State shall be so amended as to read as follows, viz:

Section 3. All public lands which have been heretofore or may hereafter be granted for public schools, to the various counties in this State, may be sold by the County Courts of each county to which the lands belong, or by such tribunals as may succeed to their jurisdiction, by consent of a majority of the legal voters in said counties, and under such general rules as the Legislature may from time to time prescribe; provided, that the proceeds of the sale of such lands shall be retained and invested as a permanent School Fund, for the counties owning the same.

Approved December 11th, 1861.

CHAPTER VI.

Joint Resolution requesting our Senators and Representatives in Congress to procure the passage of an act to pay Deputy Marshals the balance due them for taking the Census.

Section 1. Be it resolved by the Legislature of the State of Texas, That our Senators and Representatives in Congress are requested to urge the passage of an act to pay to all Deputy Marshals in the State of Texas the balance due them from the Government of the United States, for services rendered by

them in taking the census for the year 1860, under the provisions of the laws of the United States.

Sec. 2. That this joint resolution take effect from and after its passage.

Approved January 9th, 1862.

CHAPTER VII.

Joint Resolution to authorize and require the Adjutant General to collect the necessary information to make a register of the State troops, and have printed 500 copies of the same.

Section 1. Be it resolved by the Legislature of the State of Texas, That the Adjutant General be, and he is hereby authorized and required, to collect such information as may be necessary to make a register of all State troops that have been or may hereafter be called into the service of the State, or Confederate States, during the war, and have printed in pamphlet form 500 copies of the same for distribution; provided, that the Adjutant General shall procure said printing to be done by the paper that will do the same for the least amount of money.

Sec. 2. The sum of three hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated, to carry this resolution into effect.

Sec. 3. This joint resolution shall take effect and be in force from its passage.

Approved January 10th, 1862.

CHAPTER VIII.

Joint Resolution authorizing the Governor to appoint an agent to take possession of the Salt Lake known as 'El Sol del Rey,' and to pay over the revenues arising therefrom to the State.

Whereas, a valuable Salt Lake exists in Hidalgo county, known as "El Sol del Rey," which was reserved as the property of the crown of Spain, the title to which became vested in the State of Texas, which title, inasmuch as said lake could not be lawfully patented, could not be lost by prescription; and whereas, it is desirable to secure the revenues of the said lake for the State, and at the same time supply the people with salt at a reasonable rate, therefore—

Section 1. Be it resolved by the Legislature of the State of Texas, That by this joint resolution, which is to take effect from and after its passage, the Governor is authorized and required to appoint an agent whose duty it shall be to take and hold possession of the salt lake mentioned in the preamble hereof, in behalf of the State of Texas, and to collect and pay over the revenues arising therefrom into the Treasury of the State.

Sec. 2. That said agent shall sell the salt at the customary rates, except so far as he may be empowered to alter the price by express written instructions from the Governor.

Sec. 3. That said agent shall, before entering upon his agency, execute a bond, (to be approved by and lodged with the Comptroller,) with good and sufficient sureties, in the penalty of ten thousand dollars, for the faithful performance of his duties; and the said agent shall receive a salary of not less than one thousand nor more than twelve hundred dollars per annum, at the discretion of the Governor, for his services, which payment of salary shall be conditioned that it be paid out of such money as the agent may receive from the sale of the salt; and the agent is hereby required to make reports to the Comptroller by the 1st day of July in each year, and at such other times as the Governor may direct, of his proceedings as such agent, and pay over at such times to the Comptroller, such money as he may have on hand; and he shall be allowed in addition to his salary such mileage as is allowed to Assessors and Collectors of taxes for going to and returning from the capital.

Sec. 4. That said agent shall hold his appointment for two years, at the pleasure of the Governor, and until his successor shall be appointed.

Sec. 5. That the Governor is hereby authorized and empowered to instruct the Sheriff of Hidalgo county, or some other person to be appointed by him, to place the said agent in possession of the said salt lake, and he is hereby further empowered to detail a sufficient number of the militia, or of such troops as may be in the service of the State, as may be necessary to maintain the said agent in the possession thereof.

Sec. 6. That in case any person or persons shall claim to have title to said salt lake, such person or persons shall have the privilege of suing the State at any time within one year from and after the taking possession of the same by the State, and not thereafter, in the District Court having jurisdiction of the same; provided, that such person or persons shall, in their petition, set forth clearly and fully how the title claimed originated, and how it is derived, filing it with certified copies of each of the title papers intended to be adduced and relied on at the trial; and provided further, that service of certified copies of such petition, and copies of such title papers upon the Attorney General shall be held to be sufficient service upon the State.

Approved, January 10, 1862.

CHAPTER IX.

Joint Resolution in relation to Public Printing for the Ninth Legislature.

Be it resolved by the Legislature of the State of Texas, That the Secretary of State, Comptroller, and Treasurer, or a majority of them, be required to proceed immediately after the adjournment of the Ninth Legislature to contract for the Public Printing as nearly as may be in accordance with existing laws; and that this resolution take effect, from and after its passage.

Approved January 14th, 1862.

CHAPTER X.

Joint Resolution providing for the sale of Oldham and White's Digest.

Section 1. Be it enacted by the Legislature of the State of Texas, That it shall be the duty of the Secretary of State, after advertisement in not less than three newspapers in the State, to sell the copies of Oldham and White's Digest now in his office belonging to the State, at such prices as he may deem proper, but in no event at less than the original cost per volume, including the expense of sale. Provided, however, that the Secretary of State shall reserve from sale a sufficient number of said Digests to supply the various officers of the State as required by law.

Sec. 2. The Secretary of State shall pay into the State Treasury quarterly, the proceeds arising from the sale of said digests; and this resolution shall be in force from and after its passage.

Approved January 13th, 1862.

CHAPTER XI.

Joint Resolution.

Whereas, a crisis has arrived which involves the civilization, institutions, political and social rights of the people of Texas, making it proper and expedient that the Representatives in the Legislature should, in the most solemn manner, declare to her sister States, composing the Confederate States of America, and to the world, her settled conviction of the wanton injustice of the war now waged against them by the Northern States, and of her unflinching determination to co-operate with her sister States in prosecuting the war to a triumphant termination by all means, and at all hazards. And, whereas, it is a historical fact, known to the nations of Europe, that the independence of the thirteen original Colonies was separately acknowledged, and that these

distinct sovereignties formed a voluntary union, under the name and style of the United States of America; while it is a fact known to the people of the United States, that these sovereign States never did merge their sovereignty into the Government of the United States, but that they only delegated to it certain expressed, limited and specific powers, while they reserved to themselves the exercise of all other powers, not so delegated, and lest it should be inferred that they had parted with that sovereignty, several States, and Virginia among the number, did, along with the act of entering the Union, declare their right of withdrawal, and notwithstanding those decisive facts the right is denied us, and the amazing spectacle is presented to the world of the attempt to ignore the sovereignty and rights of thirteen States, and by war to subjugate and hold in vassalage 10,000,000 of people, thus seeking to overthrow the fundamental principles which underlie the theory of our Government, and upon which the whole system rests—and in the destruction of which there is inseparably joined the submission and overthrow of Republicanism; and, whereas, we declare, that for the sake of the Union such as was bequeathed to us by a common ancestry, we have for long years submitted to enormous taxation, and to a monopoly of the coasting and fishing bounties. But not content with this odious system of material robbery, they have sought to rob us of our just reputation abroad. And not only so, but through misrepresentation we are regarded as the destroyers of the Union, and themselves as politically striving to preserve it, when in fact they have long since destroyed it, all but in name, and are to-day the willing subjects of a coarse and vulgar despotism. But notwithstanding all this, it was not until they denied us equality in the Union, and had succeeded by a sectional issue in placing in power a President, and in the halls of Congress a majority, pledged to carry out these measures, that the people of the South rose up in their majesty and accepted the issue of war rather than submit to the disgrace of social and political inequality. For many years they have been engaged in making a moral war upon us, and now after thus assailing us and our institutions, they have actually invaded our territory, with fire and sword, proclaiming in advance the confiscation of our property, the appropriation of our homestead, and if possible, by means of servile insurrection, to shed the blood of helpless infancy and age, having already practiced outrages upon defenceless women too horrible for utterance. And whereas, we now solemnly declare that there is no common bond of union between the North and South, and further, that there is no homogeneity either in moral or religious sentiment or pursuits. And whereas, we hereby congratulate our sister Confederate States upon the wisdom of our rulers, the skill of our Generals, the valor of our soldiers and the general success of our cause, and assure them that the people of Texas are even more than ever prepared to devote their entire and united energies to the successful prosecution of this war, whatever proportions it may assume or whatever sacrifices it may demand. Therefore,

Resolved, 1st, That the people of Texas do hereby assure her sister Confederate States and the world that she stands ready with heart and hand to resist our invaders until their last soldier is driven from our borders, and until we shall conquer an honorable and glorious peace.

2d. That we reiterate the declaration that the States which composed the United States did not merge their sovereignty into that Government, but that they entered into a voluntary compact, and that they had the right of their own volition to withdraw, and that the attempt by fire and sword to compel them to remain in the Union, would, if successful, blot out the sovereignty and existence of the seceded States, and place in vassalage 10,000,000 of free people.

3d. That the Southern States have, in the extreme patience with which they have submitted to oppressive legislation, given indubitable evidence of their love for the Union framed by our fathers.

4th. That the pretensions of patriotism on the part of the North, in waging a war for the Union, is an enormous falsehood, and that their sole object in

its preservation, is that they may continue to plunder the South, and retain the power to render us the victims of their avarice.

5th. That the proximate cause of the dissolution of the Union was that the North had the power and had avowed the determination to deprive the South of social and political equality.

6th. That we hold them up before the world, with all their pretensions to superior civilization, as waging a war so barbarous as to be unknown to the warfare of civilized nations, and such as is disgraceful to the era in which they live.

7th. That we utterly disclaim all affinity, all brotherhood with them, and that we rejoice that we have escaped the contaminating influence of their base fanaticism.

8th. That no overtures of peace should be considered which do not as an indispensable pre-requisite propose the recognition of the Independence of these Confederate States, and that any offer on the part of the enemy to treat of peace which does not propose the recognition of our Independence, in advance, and to make that recognition the basis of negotiations, is an insult to our people and Government, and should be spurned as such.

9th. That we have unlimited confidence in the wisdom of our President, the skill of our Generals, the courage of our soldiers, and in the final and glorious triumph of our cause.

10th. That the Governor of this State be requested to forward a copy of these resolutions to each of our Representatives in Congress, and to the Governor of each of the Confederate States, with a request that they be laid before their respective Legislatures.

Approved January 13th, 1862.

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DEPARTMENT OF STATE, }
AUSTIN, TEXAS, May 29th, 1862. }

I, C. S. West, Secretary of State of the State of Texas, do hereby certify that I have compared the foregoing Laws and Joint Resolutions of the Ninth Legislature, with the originals now on file in the Department of State, and that they are true copies of such originals.

I further certify, that the Ninth Legislature of the State of Texas, assembled on Monday, 4th of November, 1861, and adjourned on the 14th day of January, A. D., 1862.

In testimony whereof, I have hereunto set my hand, and affixed the [L.S.] Seal of the Department of State the day and date above written.

C. S. WEST,
Secretary of State.

SPECIAL LAWS

OF

THE NINTH LEGISLATURE

OF

THE STATE OF TEXAS

PUBLISHED BY AUTHORITY

AUSTIN
1863

SPECIAL LAWS.

CHAPTER I.

An Act granting leave of absence from the State for three months to Edward H. Vontress, Judge of the Seventeenth Judicial District of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That leave of absence from this State is hereby granted to Edward H. Vontress, Judge of the Seventeenth Judicial District, for the space of three months, from the twenty-fifth day of November eighteen hundred and sixty-one.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved November 20, 1861.

CHAPTER II.

An Act to enable J. H. Saunders, the guardian of John Saunders, Cora Saunders, and Claiborne Saunders, to remove the property of his Wards from the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That J. H. Saunders may remove the property of his wards, John Saunders, Cora Saunders and Claiborn Saunders, from the county of Harrison in this State to the State of Arkansas, one of the Confederate States of America, whenever said J. A. Saunders shall have produced to the Chief Justice of Harrison county, at some regular term of the County Court, a full and complete transcript of the records of a court of competent jurisdiction in the State of Arkansas, properly authenticated, showing that he has been appointed guardian of the estate of said John Saunders, Cora Saunders and Claiborn Saunders, and given bond and security, as may be required by the laws of the State of Arkansas, and is authorized by such court to receive said property.

Sec. 2. That this act shall be in force from and after its passage.

Approved November 27, 1861.

CHAPTER III.

An Act to validate the official acts of the persons actually exercising the powers and performing the duties of certain officers in Newton County, between the 23d of April and the 15th of August, 1861.

Section 1. Be it enacted by the Legislature of the State of Texas, That the official acts of the persons actually exercising the powers, and performing the duties of the offices of Chief Justice, County Clerk, County Commissioners, District Clerk, Sheriff, Assessor and Collector, County Treasurer, County Surveyor, Notary Public, Coroner, Justice of the Peace, and Constables, done and performed within, and for Newton County, from and after the 23d of April, 1861, and before the 15th of August, 1861, were, shall be, and are hereby declared to be as legal and valid, to all intents and purposes, as if the persons doing and performing such official acts, had then rightfully held the said offices.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved December 5th, 1861.

CHAPTER IV.

An Act for the relief of Noah Cox.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Comptroller be authorized to issue to Noah Cox, a duplicate of Treasury Warrant No. 17,332, and draft No. 918, on the Assessor and Collector of Star County, drawn on the twenty-fifth day of March 1861, for the sum of three hundred and sixty dollars, (\$360) in favor of said Noah Cox, for his mileage and per diem, as a member of the State Convention: Provided, that said Cox shall file an affidavit of the loss of said Warrant, together with a bond for double the amount of said Warrant with said Comptroller, conditioned that he will indemnify the State, in case the first Warrant or draft is paid.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved December 9th, 1861.

CHAPTER V.

An Act to amend an act, entitled "An Act to incorporate the Jefferson Insurance Company."

Section 1. Be it enacted by the Legislature of the State of Texas, That the 7th section of an act, entitled "An Act to incorporate the Jefferson Insurance Company," approved January 7th, 1860, be amended so as to read "Marion County," instead of "Cass County," where it occurs in said section.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved December 9th, 1861.

CHAPTER VI.

An Act to amend the second and third sections of an act, entitled "An Act to Incorporate the Southern Cotton Press and Manufacturing Company," approved February 11th, 1860.

Section 1. Be it enacted by the Legislature of the State of Texas, That the second section of the above entitled act is hereby amended, so that the same shall hereafter read as follows: "That said Company be, and is hereby estab-

lished, with the right to receive, store, warehouse, repair, compress, and rebale cotton, and to manufacture cotton rope, and all other articles of which cotton forms a component part, and to carry on any other manufactures which said corporation may desire, and to do all other acts and things necessary, or incident to the proper conducting of, or carrying on the business as aforesaid.

Sec. 2. That the third section of said above entitled act, is hereby amended, so that the same shall hereafter read as follows: The capital stock of said Company shall not, at any time, exceed one million of dollars, to be divided into shares of one hundred dollars each, and the holders of such shares shall constitute said Company, and each member shall be entitled to one vote, in person or by written proxy, for each and every share he or she may own upon the books of the Company, and under such rules and regulations as may be, from time to time, prescribed by the by-laws of said Company.

Sec. 3. That this act take effect and be in force from and after its passage.

Approved December 9th, 1861.

CHAPTER VII.

An Act to incorporate the Rio Grande Female Institute.

Section 1. Be it enacted by the Legislature of the State of Texas, That Hiram Chamberlain, Joel Chase, W. C. Blair and J. N. Cochran, Trustees of the Rio Grande Female Institute, located in the city of Brownsville, in the county of Cameron, Texas, be and are hereby created a body corporate, under the name and style of "The Board of Trustees of the Rio Grande Female Institute," and in that name shall have succession and be capable in law to sue and be sued, plead and be impleaded; to enact by-laws, rules and regulations, to have, hold and enjoy all the property of whatever kind that may be granted by donation, bequest or otherwise, for the benefit of the Institution, provided said property shall, at no time, amount to more than one hundred thousand dollars in value; and it shall have a common seal for the transaction of its business.

Sec. 2. That the "Rio Grande Female Institute" shall be under the care and control of the Presbytery of Western Texas, and the said Board of Trustees shall have power to fill all vacancies that may occur therein, subject to the inspection of the Presbytery above expressed, and that a less number than three of the said Board of Trustees shall not be a quorum to do business, nor shall the number of Trustees, at any time, consist of more than seven members, a majority of whom must be present, in person or by proxy, to fill a vacancy.

Sec. 3. That the Board of Trustees shall annually present to the Presbytery of Western Texas, a written report of the financial condition of said Institute, the by-laws and regulations adopted by the Trustees, the number of teachers and the number of pupils in attendance during the year.

Sec. 4. That the funds belonging, or in any wise appertaining to said Institute, shall not be diverted from the object for which the same were given, and all donations and bequests to said Institute shall be good and binding, although the corporate name thereof may not have been properly stated by the person or parties making such bequest or donation.

Sec. 5. That the Board of Trustees may elect, from their own number, under such rules and regulations as they may adopt, and for such terms and times as they may see proper, a President, Secretary and Treasurer, or any other officer or agent necessary in the Board. They shall also have the power to construct, enlarge, alter or remove all necessary buildings for the

purposes of said Institute, and to do all things necessary and proper for the conduct and management of the Institute, not contrary to law or inconsistent with this charter.

Sec. 6. That this act shall take effect and be in force from and after its passage, and continue in force thirty years.

Approved December 9, 1861.

CHAPTER VIII.

An Act to amend the 14th Section of an Act entitled "An Act to incorporate the Houston, Trinity and Tyler Railroad Company."

Section 1. Be it enacted by the Legislature of the State of Texas, That the 14th section of an act entitled "An Act to incorporate the Houston, Trinity and Tyler Railroad Company," approved January 7, 1860, be and the same is hereby amended so as to read as follows:

That said Company shall commence the construction of said road within twelve months from and after the declaration of a treaty of peace between the Government of the Confederate States and the Government of the United States, and shall have completely graded, and ready for the iron, at least twenty-five miles of said road within two years from the declaration of said treaty of peace, and twenty-five miles additional shall be completed in good running order for every two years thereafter.

Approved December 10, 1861.

CHAPTER IX.

An Act to prevent the sale of vinous, spirituous or other intoxicating liquor within one mile of the center of the town of Alto, in Cherokee county, in the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That if any person shall sell, or offer for sale, or be in any wise concerned in selling—whether with or without license—any spirituous, vinous or other intoxicating liquor, within one mile of the center of the town of Alto, in Cherokee county, in the State of Texas, except for medical or sacramental purposes, he, she or they shall be deemed guilty of a misdemeanor, and upon conviction thereof, before any Justice of the Peace, shall be fined the sum of fifty dollars for each and every such offense.

Approved December 11, 1861.

CHAPTER X.

An Act for the relief of the heirs of Elijah Allcorn.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and empowered to cancel the original title granted to James G. Wright, by the Commissioner of Austin's Colony, as a colonist, situated on Cypress Bayou, for one league of land, and issue a certificate in lieu thereof, for one league of land, to the heirs of Elijah Allcorn, assignee of James G. Wright.

Sec. 2. That this act be in force from and after its passage.

Approved December 11, 1861.

CHAPTER XI.

An Act to amend an act, supplemental to an act for the relief of Myrum Mudgett, Daniel Kitchings, A. L. Spencer and E. G. Cantwell, approved February 8th, 1861.

Section 1. Be it enacted by the Legislature of the State of Texas, That the above entitled act shall read as follows: Section 1. That the certificate provided for to be issued to A. L. Spencer and to E. G. Cantwell, in said act, shall be issued to E. G. Spencer and J. A. J. Cantwell, and the Commissioner of the General Land Office be required to issue the same to the parties mentioned in this act.

Sec. 2. That this act be in force from and after its passage.

Approved December 11, 1861.

CHAPTER XII.

An Act for the relief of Samuel Everett.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and is hereby authorized and required to issue, to Samuel Everett, a certificate for twelve hundred and eighty acres of land, which may be located, surveyed and patented, as other genuine land certificates.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved December 11th, 1861.

CHAPTER XIII.

An Act to amend an act, entitled "An Act authorizing C. C. DeWitt, of Gonzales County, to construct a Bridge across the Guadalupe River, near the town of Gonzales, passed Sept. 1st, 1856."

Section 1. Be it enacted by the Legislature of the State of Texas, That the 2nd section of said act be so amended as to read as follows:

Sec. 2. That said DeWitt shall construct said bridge, in a durable and workman-like manner, within five years after the termination of the existing war, or after the declaration of peace between the United States of America and the Confederate States of America, and shall keep the same in good repair, for all passengers, for the term of thirty years from the completion of the same, and to be ready, at all times, to pass all persons, carriages, wagons teams, and stock, that may wish to cross on said bridge.

That the 3rd section of said act be so amended as to read as follows: (The said 3rd section, being the 2nd section, so marked upon said act 3rd, and being the closing section of said act.)

Sec. 3. That no other public bridge or ferry shall be constructed across the Guadalupe river within four miles of the bridge the said DeWitt may construct, until the expiration of this charter, provided, however, that should it become necessary, within said time, to construct a railroad bridge, across said river, that any Railroad Company may construct a bridge within said limits, for the passage of railroad cars.

Approved December 11th, 1861.

CHAPTER XIV.

An Act to amend the 3rd Section of an act, entitled "An Act to incorporate the Dallas Bridge Company."

Section 1. Be it enacted by the Legislature of the State of Texas, That the 3rd section of an act, approved February 9th, 1860, entitled "An Act to incorporate the Dallas Bridge Company," be and the same is hereby amended, so as to extend the time allowed said Company to build said bridge and causeway two years from and after the 9th day of February, 1862; and that this act take effect and be in force from and after its passage.

Approved December 11th, 1861.

CHAPTER XV.

An Act for the relief of the Hon. A. W. O. Hicks, late Judge of the Fifth Judicial District, of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Treasurer of the State be, and he is hereby authorized to pay A. W. O. Hicks, late Judge of the Fifth Judicial district of the State of Texas, the sum of one thousand dollars, the balance of the salary due to said A. W. O. Hicks, for his services as late Judge of the district aforesaid, which sum is now withheld by the Comptroller.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved December 13th, 1861.

CHAPTER XVI.

An Act to amend the 12th Section of an act, to "Incorporate the town of Mount Vernon, in Titus County, Texas; approved February 4th, 1853.

Section 1. Be it enacted by the Legislature of the State of Texas, That the 12th section of the above recited act, be so amended as hereafter to read as follows: "That the Board of Aldermen shall have power to regulate its own proceedings, and to prescribe the duty of all the officers of the corporation; and shall have power to enact all ordinances necessary for the peace and welfare of said town, not contrary to law.

"That whenever the Board of Aldermen shall so direct, the Mayor of said town of Mount Vernon, shall have power and authority to execute deeds of conveyance to pass the title of town lots, in said town, belonging to said corporation, and may execute all necessary conveyances to perfect the titles to lots in said town, heretofore sold by said corporation, provided that no such conveyance shall interfere with vested rights."

Sec. 2. That this act shall take effect and be in force from and after its passage.

Approved December 13th, 1861.

CHAPTER XVII.

An Act to incorporate the Austin Hook and Ladder Fire Company, No. 1, of the City of Austin.

Section 1. Be it enacted by the Legislature of the State of Texas, That, S. T. Smith, C. F. Millet, R. M. Elgin, Hugh A. Haralson, E. Bremond, and their associates, are hereby constituted a body politic and corporate, as a fire department, for the City of Austin, under the name and style of "The Austin

Hook and Ladder Fire Company, No. 1, of the City of Austin," with power to sue and be sued, plead and be impleaded; to have a common seal, with such device as they may adopt; to elect, in whatever manner they may choose, the officers to command them; to establish by-laws for the government and regulation of their affairs, not inconsistent with the Constitution and laws of this State, and the same to alter or amend at pleasure; and to hold real and personal property, and to dispose of the same; provided, however, such real estate and personal property, shall at no time exceed ten thousand dollars in value.

Sec. 2. That the members of said Company shall never exceed sixty in number.

Sec. 3. That the active members of said Company shall be exempt from jury service.

Sec. 4. That neither the Company or its members shall be liable, in damages or otherwise, for property destroyed or injured by them while in the discharge of their duties as firemen.

Sec. 5. That any and all property of the Company shall be exempt from taxation for State and County purposes.

Sec. 6. That said Company shall have power, by their constitution and by-laws, to try all violators of their own ordinances, agreed upon by a majority of the members of said Company; to suspend, expel, or fine not exceeding ten dollars, those violating the constitution and laws of said Company.

Sec. 7. That this act of incorporation shall be and continue in force for and during the term of twenty years from and after its passage.

Approved December 14th, 1861.

CHAPTER XVIII.

An Act for the relief of the heirs of Harvey Murphy.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be and he is hereby required to issue to the heirs of Harvey Murphy, deceased, a certificate for 1280 acres of land, to be located upon any of the public domain not reserved from location, and to be surveyed and patented as in other cases, provided no certificate has heretofore issued.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved December 17, 1861.

CHAPTER XIX.

An Act for the relief of Peter Norton.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be and he is hereby required to issue to Peter Norton a donation certificate for six hundred and forty acres of land for having participated in the storming of Bexar, in the campaign of 1835, and a bounty warrant for three hundred and twenty acres of land for services in said campaign, also a bounty warrant to the said Peter Norton as the assignee of W. H. Frazier, in lieu of lost bounty scrip No. 977, for three hundred and twenty acres of land, dated Nov. 6 1836, signed by Geo. W. Poe, which certificates may be located on any vacant land of the State of Texas, provided said Peter Norton has not received certificates for said service heretofore.

Sec. 2. That this act be in force from and after its passage.

Approved December 17, 1861.

CHAPTER XX.

An Act to repeal an act to authorize the County Court of the county of Nueces to levy a special tax, approved February 11, 1860.

Section 1. Be it enacted by the Legislature of the State of Texas, That an act entitled "an act to authorize the County Court of Nueces county to levy a special tax," approved February 11, 1860, be and the same is hereby repealed.

Sec. 2. That this act take effect from and after its passage.

Approved December 17, 1861.

CHAPTER XXI.

An Act for the relief of R. A. Henson.

Section 1. Be it enacted by the Legislature of the State of Texas, That R. A. Henson be and is hereby restored to all the rights and privileges of an attorney and counsellor at law, and as such entitled to practice law in the different courts in this State.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved December 18, 1861.

CHAPTER XXII.

An Act to incorporate the Texas Powder Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That James R. Sweet, James Duff, Samuel A. Maverick, Alexander Young and Francis Gerand, and such other persons as may hereafter be associated with them, are hereby created a body corporate by the name of the Texas Powder Company, and by that name may sue and be sued, may plead and be impleaded; may transfer their right by succession or assignment; may have a common seal; and also by that name and style they and their successors may purchase, hold and convey real and personal estate, not to exceed one hundred thousand dollars.

Sec. 2. That the said Company shall have the right to establish and erect, in Bexar county, or elsewhere in the State, buildings, machinery and improvements for the manufacture of gun powder and mining or blasting powder, or such other similar compounds as the Company may at any time manufacture for sale, and the said Company shall moreover have the right to establish, anywhere within the limits of the State of Texas, apparatus and fixtures for the purpose of making, extracting or refining nitre, saltpetre and sulphur.

Sec. 3. That the capital stock of said company shall be twenty thousand dollars, to be divided into four hundred shares of fifty dollars each, and the said Company shall have authority to increase said capital to the amount of one hundred thousand dollars.

Sec. 4. That the affairs of the said Company shall be managed by a Board of five Directors, each of whom shall own at least ten shares of the capital stock of said Company; a majority of said directors shall constitute a quorum to do business, and shall have power to appoint a President from their number, and to fill all vacancies that may occur in the Board of Directors, from death, resignation or otherwise. After the first election of Directors by virtue of this act, all subsequent elections shall be held in the city of San Antonio on the first Tuesday in January of each year: in case of failure to elect

said Directors at the time and place specified in this act, the corporation shall not be dissolved for that cause, but the President and Directors previously elected shall continue to perform their duties until their successors are elected.

Sec. 5. That the Directors shall be chosen by the stockholders of said Company, and that each stockholder shall have one vote for each share he may own, and may vote by proxy or in person.

Sec. 6. That the President and Directors of said Company shall have full authority to adopt all such rules, regulations and by-laws as they may consider necessary to effect the object of this act of incorporation, not inconsistent with this act or the laws of this State, and may appoint and remove, at their pleasure, all agents or other employes necessary to transact the business of said corporation.

Sec. 7. That every person subscribing for any of the capital stock of the said Company shall pay such proportion thereof at the time of subscribing as may be directed by the terms of the subscription list, and after the election of the first Board of Directors, the balance shall be paid at such times and upon such terms as the said Directors may designate; provided, that in all cases where further payment may be required, notice thereof shall be given in some newspaper published in the city of San Antonio, or by written communication, if deemed sufficient by the Company, at least thirty days before the time of said payment.

Sec. 8. That if any stockholder shall fail to pay the amount due on his subscription at the time required by said Directors, it shall be lawful at any time after notice and advertisement has been made, in accordance with the preceding section of this Act, for the said Directors to sell the shares of said stockholder at public auction after ten days previous notice of said sale has been given by public advertisement in a newspaper published in San Antonio, Texas, and the purchaser of said shares shall be subject to all the liabilities and entitled to all the benefits of the defaulting stockholder.

Sec. 9. The Commissioner of the General Land Office is hereby authorized to issue to the said Texas Powder Company six land certificates for 640 acres each, which certificates said Company are authorized to locate upon any portion of the public domain which affords the necessary ingredients for gunpowder; provided, that the patents shall not issue under said locations until the powder manufactory of said Company shall be in successful operation; and, provided, said land and certificates shall be forfeited to the State if said manufactory be not in successful operation in six months after the passage of this act.

Sec. 10. That this act take effect from the date of its passage.

Approved December 20, 1861.

CHAPTER XXIII.

An Act for the relief of the heirs of Isaac Pierson.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to the heirs of Isaac Pierson, a patent to the three hundred and twenty acres of land located by virtue of the unconditional certificate, number twenty-four, for three hundred and twenty acres of land issued to the said Isaac Pierson by the Board of Land Commissioners of Grimes county, on the twelfth day of January, 1848, and situated in Grimes county, upon such heirs paying the patent fees.

Sec. 2. That this act take effect and be in force from and after its passage.
Approved December 20, 1861.

CHAPTER XXIV.

An Act to incorporate the Texas Manufacturing Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That a body corporate and politic be, and the same is hereby created and established, to consist of a Board of Directors, Stockholders, President of a company or association of individuals, under the corporate name and style of the Texas Manufacturing Company, with the right and privilege of manufacturing cotton and woolen goods, and any other fabrics for home use; to own real, and personal property, to sue and be sued, to plead and be impleaded, to contract and be contracted with, to take, buy, sell and convey real, personal and mixed property, and to do and perform all other acts and things necessary to the successful prosecution of the object of the association; and that John M. Brown, J. D. McAdoo, Gabriel Felder, L. W. Groce, Wm. L. Crump, Harris Hoyt, N. Cavanaugh, Samuel Holliday, J. L. Farquhar, James P. Flewellen, Terrell J. Jackson, T. B. Traynham, R. H. Felder and R. T. Flewellen, are hereby appointed Commissioners to open books and receive subscriptions to the capital stock of said Company, and as soon as the sum of fifty thousand dollars in cotton, wool or money shall have been subscribed the Commissioners herein named shall meet and organize said Company; a majority of said Commissioners shall constitute a quorum to do business, and shall hold their first meeting at the town of Washington, in Washington county, Texas, as soon as consistent after the passage of this act; of the time of the first meeting proper notice shall be given said Commissioners in writing or otherwise.

Sec. 2. The capital stock of said Company shall not exceed two hundred and fifty thousand dollars, which may be invested in any manner calculated to insure the successful prosecution of the business of the Company, who shall also have the right to locate their manufactory at any point or place in the State of Texas which they may deem most eligible, provided they can obtain, by purchase or otherwise, a good and sufficient title to the location they may desire.

Sec. 3. The parties named and appointed Commissioners by this act are hereby invested with the right and power of Directors, until Directors are chosen by the stockholders, when the power of said Commissioners shall cease.

Sec. 4. When fifty thousand dollars of the capital stock is subscribed on the books of the Company, the Commissioners shall proceed to organize said Company, by calling the stockholders together, and dividing the capital stock into shares of one hundred dollars each, each share entitling the owner thereof to one vote, by himself or by written proxy. Said shares shall be deemed personal property, and shall be transferable at any meeting of the stockholders by any conveyance in writing which may show that the stock has changed hands.

Sec. 5. The government of the affairs of said Company shall be vested in a Board of five Directors, a majority of whom shall constitute a quorum for the transaction of business. They shall elect one of their number President of the Company. The Commissioners shall give at least twenty days notice of election for Directors, who shall be chosen from among the stockholders, and hold their office for two years, and have the power to fill any vacancy that

may occur in their Board until the next regular election. They may also appoint a Secretary, Treasurer, Superintendent and such other officers and agents as may be required, and prescribe and require bonds for the faithful performance of their duties. They shall have the right to pass and adopt all needful by-laws and regulations necessary for the proper conduct of their business, and keep or cause to be kept accurate records of all meetings of the Board of Directors and Company, which records shall always be open to the inspection of the stockholders, together with such other books as may be necessary to show, at all times, the amount of expenditures, receipts and disbursements of the Company.

Sec. 6. The Board of Directors shall be convened by the President, who shall preside at all meetings of the Board, and in his absence a President pro tem may be chosen by the Directors.

Sec. 7. Any agreement in writing, by which any person shall become a subscriber to the capital stock of said Company, may be enforced against him or her according to its terms, and if any subscriber shall fail to pay any installment called for, or amount due upon his or her share or shares so subscribed and called for by the Directors, within ninety days from the date of said instalment is required to be paid, the Directors may sell at auction and transfer to the purchaser, the share or shares of such delinquent, and if the proceeds of sale shall not be sufficient to pay the amount due on the said subscription, with interest and cost of selling said share or shares, such delinquent shall be held responsible and liable for the remainder due the Company, and if the proceeds shall exceed the amount so due the Company, with interest and charges deducted, said delinquent shall be entitled to the surplus.

Sec. 8. The rights, powers, privileges and immunities hereby granted and conferred under this act of incorporation shall be and remain in force for thirty years from the passage of the same.

Sec. 9. Should any stockholder, at any time, be displeased with, or wish to withdraw from said Company, or dispose of his interest, or require a distribution of dividends, he or she shall not be permitted to institute legal proceedings against the Company to adjust his individual rights, or in way to impede the progress of said Company, unless sanctioned by a majority of the stockholders in the same, but is permitted and required to dispose of his interest in the market, at such price as such stock may command at the time, and he or she so selling, shall thenceforth be exonerated from any loss said Company may afterward sustain, and debarred from any future profits said stock may realize; a majority of the stockholders being required at all times, to agree upon a dissolution of the Company, and a distribution or sale of the property and effects of said Company, before the same can be acted upon.

Sec. 10. This act shall take effect from and after its passage.

Approved December 21, 1861.

CHAPTER XXV.

An Act for the relief of the heirs of Sanford Holman, deceased, who was a soldier in the service of Texas, at the battle of San Jacinto.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized to issue to the heirs of Sanford Holman, deceased, a donation certificate for 640 acres of land, in consideration of the services of said Sanford Holman as a soldier in the service of Texas at the battle of San Jacinto.

Sec. 2. This act to take effect and be in force from and after its passage.

Approved December 21, 1861.

CHAPTER XXVI.

An Act for the relief of Garrett F. Lankford.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby required to issue to Garrett F. Lankford an unconditional certificate for nine hundred and sixty acres of land, which certificate may be surveyed and located as provided for other genuine certificates, provided the same shall be received in full satisfaction of his claim against the State of Texas for corn furnished the late Republic of Texas.

Sec. 2. That this act shall take effect from and after its passage.

Approved December 21, 1861.

CHAPTER XXVII.

An Act to prohibit the sale of intoxicating liquors within four and a half miles of the Court House, in Fort Worth, Tarrant county, Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That any person who shall be convicted of selling any intoxicating liquors, at any place within four and a half miles of the Court House in Fort Worth, Tarrant county, except for medicinal or sacramental purposes, shall be subject to a fine of not less than fifty nor more than two hundred dollars for each offence; and if any druggist or person shall be convicted of selling such liquors, under the pretence that they are to be used for medicinal or sacramental purposes, to individuals who will drink the same as a beverage, they, the vendors, shall be subject to the above penalties.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved December 23, 1861.

CHAPTER XXVIII.

An Act to incorporate the Marcelina Bridge and Manufacturing Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That James R. Skiles, and his associates, be declared a body corporate and politic, to be known by the name and style of "The Marcelina Bridge and Manufacturing Company," and by that name may sue and be sued, plead and be impleaded, and have succession and a common seal, which they may change, alter or break, at pleasure.

Sec. 2. That said Company is hereby invested with the power to erect and establish a Bridge across the San Antonio River, at or near the falls, known as the Conquite or Salto, in the county of Karnes, and to exact and receive the rates of toll hereinafter provided, for passing over said bridge; and, also, to establish and erect in the same neighborhood, to be propelled by water or steam, a manufactory, for the purpose of manufacturing fabrics of any description, of cotton, wool, hemp or other materials; provided the fabrics so manufactured shall be of the description brought into the State of Texas from other States or countries; and further provided, that the rates of toll charged by said Company for crossing over said bridge shall not exceed 75 cents for every loaded wagon, 50 cents for every loaded cart, 25 cents for every pleasure carriage, or empty vehicle, 10 cents for every man and horse, 5 cents for every foot passenger, 5 cents for every horse or head of neat cattle and 3 cents for every hog, sheep, or goat.

Sec. 3. That the capital stock of said Company shall not exceed two hundred and fifty thousand dollars, to be held in shares of fifty dollars each; and that the said James R. Skiles, be and he is hereby appointed a Commissioner to receive subscriptions and organize said Company.

Sec. 4. That the stockholders of said Company shall annually elect a Board of Directors, to consist of not less than three, nor more than seven, and one of whom shall be chosen a President, for and during the term of one year; and the Directors so elected, shall have the management and control of the affairs of said Company, and in the election of Directors, every stockholder shall be entitled to a vote for each share of stock held by him.

Sec. 5. That the stockholders be and they are hereby authorized to enact such by-laws and rules for the government of their business, not inconsistent with the Constitution and laws of the State, nor with the charter, as to them may appear proper.

Sec. 6. That this act take effect and be in force from and after its passage, and continue in force for the period of thirty years.

Approved December 23d, 1861.

CHAPTER XXIX.

An Act for the relief of the heirs of James McCown, deceased, assignee of George S. Jones.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office, be and he is hereby authorized and required to issue to the heirs of James McCown, deceased, assignee of George S. Jones, an unconditional certificate for six hundred and forty acres of land, by virtue of Conditional No. 616, issued to said Jones, by the Board of Land Commissioners of Harrisburg County, on the 5th day of July, 1838; which may be located and patented in like manner, as other genuine Headright Certificates.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved December 24th, 1861.

CHAPTER XXX.

An Act to amend the Charter of the "Waco Classical School."

Section 1. Be it enacted by the Legislature of the State of Texas, That the act approved February 2d, 1860, incorporating the Trustees of the Waco Classical School, be amended, so that the said corporation be hereafter known and designated as, Waco University.

Sec. 2. That in addition to the individuals now composing the Board of Trustees of said corporation, the following named persons are hereby constituted and declared to be members thereof, to-wit: Thomas P. Aycock, H. M. Watkins, Wm. Hogue, W. A. Milner, J. P. Cole, W. P. Rogers, Paul Mackershan, E. D. Towns, J. M. Perry, and C. R. Breedlove; and, the aforesaid persons, together with the present Board, as aforesaid, shall, by style and title of Waco University, have and hold personal and real estate, to any amount not exceeding fifty thousand dollars, exclusive of gifts and bequests; and by said style and title shall succeed to, and enjoy all the rights, privileges, and immunities granted by the act to which this is an amendment.

Sec. 3. That the said Board of Trustees are hereby authorized, upon the recommendation of the Faculty of said University, to confer upon any pupil of said University, or upon any other person, any of the degrees usually con-

ferred by similar institutions in any of the departments or branches of Literature, Arts, Science, Theology, Law or Medicine; and to grant Diplomas for the same; and in all other respects to exercise the functions of the most favored literary institutions in the State of Texas.

Sec. 4. That said Board of Trustees shall appoint the times of their annual and semi-annual meetings; and at such meetings only such rules and regulations of a permanent nature be made or amended, or any general policy of the University be adopted or altered. But the said Board may appoint, of their own number, an Executive Committee of four, of whom the President of the Board, shall be ex-officio chairman, whose duty it shall be, in the interim, to make all needful temporary regulations, and to supervise the financial and other interests of the University, subject, however, to the said Board, and under such rules as it may, from time to time, prescribe.

Sec. 5. The said Board of Trustees may appoint, from time to time, a Board of Visitors, or Curators, whose duty it shall be to visit the annual and semi-annual commencements of said University, examine the text and other books used, inquire concerning the course of study, exercise a general advisory care over the interests of the University, subject, however, to such restrictions as may be imposed by the said Board of Trustees.

Sec. 6. That the third section of the act, to which this is an amendment, be and the same is hereby repealed; and that this act take effect and be in force from and after its passage.

Approved December 24th, 1861.

CHAPTER XXXI.

An Act amendatory of and supplemental to an act to incorporate the city of Marshall, passed January 30th, 1856.

Section 1. Be it enacted by the Legislature of the State of Texas, That in order to secure an active system of inspection over the conduct of slaves, as contemplated by the charter of the city of Marshall, and a more perfect system of police for the protection of citizens and property, the City Council of said city are hereby authorized and empowered to cause every white male citizen, within the limits of said corporation to perform patrol duty under such regulations as may be adopted by said Council.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved December 24, 1861.

CHAPTER XXXII.

An Act to amend the 1st and 5th sections of an act to incorporate the East Fork Bridge Company, approved 9th February, 1860.

Section 1. Be it enacted by the Legislature of the State of Texas, That the first section of the above entitled act shall hereafter read as follows:—That James Farris and William Wilson and such others as they may associate with them, and their successors, be, and they are hereby constituted and declared to be a body politic and corporate, under the name and style of the East Fork Bridge Company.

Sec. 2. That the fifth section of said act shall be so amended as to read as follows:—That said bridge shall be completed within two years from and after the 1st day of January, 1862, otherwise this charter shall be null and void.

Approved December 27, 1861.

CHAPTER XXXIII.

~~an~~ Act granting Solomon Wolfe the privilege of constructing a Toll Bridge across the Angelina river and sloughs on the Nacogdoches side of said river.

Section 1. Be it enacted by the Legislature of the State of Texas, That Solomon Wolfe is hereby authorized and granted the privilege to construct a bridge across the Angelina river and the sloughs on the Nacogdoches side of said river, near the town of Linwood, in Cherokee county, where the present mail route from Nacogdoches, Crockett and Huntsville crosses said stream.

Sec. 2. That the bridge contemplated to be built, shall be completed within one year from the first day of January, 1862, and that the privilege hereby granted, shall extend to the said Wolfe and his assigns for the term of twenty years from the date of the passage of this act.

Sec. 3. That it shall be the duty of said Wolfe to construct a good and substantial bridge across the river at the place, and within the time prescribed in the first and second sections of this act, and good and substantial bridges over all sloughs that are in the river bottom on the Nacogdoches side of said river; and it shall also be the duty of said Wolfe to keep the road through the bottom in good order so as to facilitate travel.

Sec. 4. That whenever said bridges shall have been constructed, made and completed, and shall have been examined and reported in good order and repair by the Commissioners appointed for that purpose in the manner prescribed by this act, the proprietor may erect a toll gate at some convenient place in the immediate vicinity of said bridges, and demand and receive at said gate, from all and any persons passing over said bridges, toll according to the following rates: For all buggies and wagons drawn by one horse or mule, 30 cents; drawn by two horses or mules, 50 cents; drawn by two oxen, 50 cents; drawn by four horses, mules or oxen, 75 cents; and all over four, one dollar: for a man and horse, ten cents; for a footman, five cents; for each head of cattle, horses, or mules, four cents; sheep, hogs or goats two cents per head.

Sec. 5. That the County Court of Nacogdoches county shall appoint two commissioners, on the application of the proprietor of said toll bridge, citizens of said county, whose duty it shall be to examine and approve said bridges and road, authorized by this act to be constructed and made, and report the same whenever completed and in good order to said County Court, at a regular quarterly session thereof. Said Commissioners, appointed under the provisions of this act, shall hold their office for the term of two years and until successors shall have been appointed; and it shall be the duty of said County Court to appoint commissioners biennially to examine and report, at least twice in each and every year, the condition of said bridges and road herein authorized to be constructed and made by said Wolfe for which service the said commissioners shall each receive two dollars per day for the time they may be necessarily employed in the discharge of the duties hereby imposed on them, to be paid by the proprietor for the time being of such privileged improvement.

Sec. 6. That it shall be the duty of the commissioners appointed under the provisions of this act, whenever said bridges and road shall be found out of order and unfit for travel, to direct said toll gate to be thrown open, and to so remain until said bridges and road shall be put in good order by the proprietor: and it shall not be lawful for the said proprietor to charge or receive toll during the time said bridges and road shall remain out of order as reported by said commissioners.

Sec. 7. That the owner or proprietor of said bridges shall be liable, by

action, for damages to any person who may sustain injury to person or property by reason of negligence or failure to keep in repair said bridges and road, before any court having jurisdiction of the amount of damages claimed; provided that nothing contained in this act shall be so construed as to obstruct the free navigation of said stream; and further provided that nothing in this act shall interfere with vested rights heretofore granted.

Sec. 8. That this act shall take effect and be in force from and after its passage.

Approved December 27, 1861.

CHAPTER XXXIV.

An Act to incorporate the Pulaski Bridge Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That James Chatham, and those persons he may associate with him, be, and they are hereby constituted a body corporate and politic under the name and style of the Pulaski Bridge Company; that under such name and style they may sue and be sued, plead and be impleaded, and in such corporate capacity are hereby authorized to build and construct a bridge over and across the Sabine river, at a point known as Pulaski, in the county of Panola.

Sec. 2. That the said James Chatham, and his associates, shall construct said bridge in a durable and substantial manner within five years from the time of the conclusion of peace between the Southern Confederacy and the United States of America: said bridge shall be ninety-five feet in length and thirteen feet in breadth, with forty feet space in the middle, which shall be filled with a slide to be drawn out for the purpose of allowing boats to pass and to prevent the obstruction of the navigation of said river; each end of said bridge for twenty-five feet to be placed on solid posts, and said bridge shall be kept in good repair for all passengers for the term of twenty years from the completion thereof, and be ready at all times to pass all persons, carriages, wagons and teams, and stock that may wish to cross said bridge; and no other public bridge shall be built or constructed within four miles of this bridge on said river.

Sec. 3. That the County Court of Panola county shall appoint two commissioners on the application of said Company, whose duty it shall be to examine and approve said bridge and report the same, when completed and in good order, to said County Court, at a regular session thereof, and when the said commissioners shall have reported as aforesaid, the said company may demand and receive from every person crossing said bridge toll according to the following rates: For all carriages and wagons ten cents per wheel and five cents per head for the team attached thereto; for horse or mule and rider, ten cents; for loose horses and mules, five cents per head; cattle per head, two and a half cents; hogs, sheep and goats, one cent per head.

Sec. 4. That said James Chatham and his associates shall be responsible for any accident which may happen to any one so crossing, if it be clearly manifest that such accident was caused from any insufficiency pertaining to said bridge.

Sec. 5. That this act be in force from and after its passage.

Approved December 27, 1861.

CHAPTER XXXV.

An Act to authorize the payment of audited scrip against the county of Cameron in satisfaction of the county license tax for the retail of spirituous, vinous or other intoxicating liquors in quantities of less than a quart.

Section 1. Be it enacted by the Legislature of the State of Texas, That the County Treasurer of the county of Cameron, be, and he is hereby authorized and required to receive, in payment of the tax specified in the caption hereof, any of the audited scrip or indebtedness of said county, whether audited by the District or County Court of said county, of whatever nature or description, in all cases where parties making such payment shall elect to make the same in such scrip or indebtedness, any law to the contrary notwithstanding.

Approved December 30, 1861.

CHAPTER XXXVI.

An Act to authorize the Governor to appoint an Agent for the Alabama and Cooshattie Indians, and to make an appropriation for the same.

Section 1. Be it enacted by the Legislature of the State of Texas, That the office of Indian Agent of the Alabama and Cooshattie Indians is hereby created, and the salary of such officer shall in no case exceed the sum of four hundred dollars per annum.

Sec. 2. The Governor shall appoint some suitable person to superintend and take care of said Indians; whose duty shall be to visit them from time to time to learn their necessities, to encourage and promote their agricultural interests, and to protect them from the depredations of mischievous persons.

Sec. 3. The Governor may employ an agent at less than the sum hereinbefore mentioned, provided he is satisfied that the objects of this act as indicated in section 2d can be as well attained.

Sec. 4. The sum of eight hundred dollars is hereby appropriated to defray the expenses of the said agent. This act shall take effect from and after its passage.

Approved December 30, 1861.

CHAPTER XXXVII.

An Act supplemental to an act entitled "An Act to incorporate the West Fork Bridge Company," passed February 11th, 1860.

Section 1. Be it enacted by the Legislature of the State of Texas, That the West Fork Bridge Company, incorporated by the act to which this is a supplement, shall have the right of way for the distance of one and a half miles above said bridge, and one and a half miles below the same; and that all and every person or persons are prohibited from making or opening any public road or crossing upon said stream, to wit: the west fork of Trinity river, within said limits.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved December 30, 1861.

CHAPTER XXXVIII.

An Act for the relief of the Eastern Texas Railroad Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That when the Eastern Texas Railroad Company shall complete the next section of five consecutive miles of their road, beyond the twenty-five miles now completed, or connect the same with the Texas and New Orleans Railroad, they shall be entitled to receive from this State, the sum of thirty thousand dollars as a loan, in the United States five per cent. indemnity bonds, belonging to the special school fund, and the Board of School Commissioners of this State shall be, and they are hereby authorized and required to deliver the same to said Company upon the execution of their mortgage bond in favor of this State for that amount, as required by the act entitled "an act to provide for the investment of the special school fund in the bonds of railroad companies incorporated by this State," approved August 13th, 1856; provided that nothing in this act shall be so construed as to deprive said company of the right to receive the remainder of the loan, over and above said thirty thousand dollars, to which they may be entitled under the act above recited in this section.

Sec. 2. That the Commissioner of the General Land Office be, and he is authorized and required to issue to the said Railroad Company, in addition to the sixteen sections they may be entitled to under the general railroad law, certificates in quantities not less than six hundred and forty acres, for the amount of seven thousand five hundred dollars. Said certificates may be located in the same manner as head-right certificates are located, except that the locations shall be made in bodies of not less than six hundred and forty acres; provided said certificates shall be issued at the rate of fifty cents per acre.

Sec. 3. Said Company shall not be required to complete the first fifty miles of their road until one year after the termination of the war between the United States and the Confederate States of America.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved December 30, 1861.

CHAPTER XXXIX.

An Act to change the names of certain children therein named, and to authorize certain persons therein named to adopt such children.

Section 1. Be it enacted by the Legislature of the State of Texas, That the infant female child now in the possession of J. P. Dent and his wife Frances W. Dent, whose parentage is unknown, shall be hereafter known and called by the name of "Nellie Dent," and said J. P. Dent and Frances W. Dent are hereby authorized to adopt said child as their lawful heir; and said child shall have all the rights and privileges, and shall stand in law in the same position, in all respects, as though she were their natural heir; and said child, until she is twenty-one years of age or married, shall be under the control of said J. P. and Frances W. Dent, as though she were their natural offspring.

Sec. 2. That the name of Alexander Wright be, and the same is hereby changed to Alexander Lea; and J. H. Lea is hereby authorized to adopt said Alexander, and after such adoption, shall have control of, and shall be under the obligation to educate and support said Alexander as though he were the natural heir of said J. H. Lea.

Sec. 3. That this act shall be in force from and after its passage.
Approved December 31, 1861.

CHAPTER XL.

An Act for the relief of Mrs. Martha Brenan.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby required to issue Mrs. Martha Brenan, a certificate for one league and labor of land, which may be located, surveyed and patented, as any other first class certificate: Provided, that the said Mrs. Martha Brenan, has not heretofore received any land from the Republic, or State of Texas.

Sec. 2. That this act take effect and be in force from and after its passage.
Approved, December 31st, 1861.

CHAPTER XLI.

An Act for the relief of the heirs of Abner Fox.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized to issue a certificate for six hundred and forty acres of land, to the heirs of Abner Fox, deceased, a colonist, in Peter's colony, to be located, surveyed and patented, as other Peter's colony certificates are: Provided, it shall appear that no certificate has ever been issued to said Abner Fox, or his heirs, by virtue of his emigration hither.

Sec. 2. That this act take effect and be in force from and after its passage.
Approved December 31st, 1861.

CHAPTER XLII.

An Act supplemental to an act to authorize the County Courts of Nacogdoches, Navarro, Jackson, Colorado, and others, therein mentioned, to regulate the pay of Sheriffs therein, in certain cases, approved April 8th, 1861.

Section 1. Be it enacted by the Legislature of the State of Texas, That the County Courts of the Counties of Brown, El Paso, Hopkins, Houston, Tarrant, Williamson, Angelina, Lamar, Upshur, Hunt, Gonzales, Lavaca, De Witt and Panola, be and they are hereby authorized to allow the Sheriffs of their respective Counties, for summoning jurors, in the District Court, serving election notices, notices on overseers of roads, attending on the District Court, and doing all other business not provided for, such sum or sums of money, as such County Courts may deem sufficient for said services, not to exceed two hundred dollars per annum, to be paid out of the Treasury of the County, any law to the contrary, notwithstanding.

Sec. 2. That this act take effect and be in force from and after its passage.
Approved January 1st, 1862.

CHAPTER XLIII.

An Act for the relief of Francisco A. Ruiz and Antonio Ruiz de Herrera.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to Francisco A. Ruiz, two certificates for six hundred

and forty acres of land, each, and to Antonio Ruiz de Herrera, two certificates for six hundred and forty acres of land, each; and to Francisco A. Ruiz and Antonio Ruiz de Herrera, jointly, one certificate for one hundred and ninety-four acres of land, which certificates may be located and patented, as other headright certificates.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved January 2nd, 1862.

CHAPTER XLIV.

An Act attaching the Counties of Clay and Wichita to the County of Montague for Judicial Purposes.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Counties of Clay and Wichita are hereby attached to the County of Montague, for all judicial purposes, pertaining to, or coming within the jurisdiction of the District Court: Provided, that the jurisdiction hereby conferred upon the County of Montague, shall revert to the County of Clay so soon as it shall be ascertained that the said County of Clay, shall have within its limits, seventy-five resident voters.

Sec. 2. The clerk of the District Court of said Montague County, shall issue, and the Sheriff thereof, execute all process that may be necessary to enforce the jurisdiction hereby conferred upon the County of Montague.

Sec. 3. That this act be in force from the date of its passage.

Approved January 3rd, 1862.

CHAPTER XLV.

An Act for the relief of W. A. Grady.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office, be and is hereby required to issue to W. A. Grady, a headright certificate for one-third of a league of land, to which he is entitled by virtue of immigration to this country in 1835.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved January 2nd, 1862.

CHAPTER XLVI.

An Act to amend an act to authorize the County Court of Collin County to levy a special tax for the erection of a Court House therein, passed January 7th, 1860.

Section 1. Be it enacted by the Legislature of the State of Texas, That the first section of an act, passed January 7th, 1860, authorizing the County Court of Collin County, to levy a tax to build a court house therein, shall be, and the same is hereby amended, so as to read as follows: "That the County Court of Collin County be, and it is hereby authorized to levy a special tax, for the years of 1862 and 1863, in addition to the county tax now authorized by law, upon the taxable property of said county, not to exceed, in any one year, the sum of six and one-fourth cents upon each hundred dollars of valuation, which tax shall be levied, collected and returned, the same as other county taxes, and when collected, shall be applied to the building of a Court house in said county, and to no other purpose, and this act shall take effect and be in force from and after its passage.

Approved January 3, 1862.

CHAPTER XLVII.

An Act to authorize and require the Commissioner of the General Land Office to issue patent for the land located by virtue of unconditional certificate No. 16, issued to Josiah Bradshaw, by the Board of Land Commissioners for Angelina County, which has not been reported by the Clerk.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue patent for the land located by virtue of unconditional certificate No. 16, issued to Josiah Bradshaw, by the Board of Land Commissioners, for Angelina County, as though the same had been reported to the Commissioner of the General Land Office, by the Clerk of said Court, as now required by law.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved January 2, 1862.

CHAPTER XLVIII.

An Act to repeal an act supplemental and amendatory of the act creating the County of Kauffman, approved April 6th, 1861.

Section 1. Be it enacted by the Legislature of the State of Texas, That the act of April 6th, 1861, changing the boundaries of Kauffman and Henderson Counties, be and the same is hereby repealed.

Sec. 2. That the boundary lines of said counties referred to in the first section of this act, shall be and remain as they were, prior to the passage of the supplemental act, of April 6th, 1861; and that this act take effect and be in force from and after its passage.

Approved January 2nd, 1862.

CHAPTER XLIX.

An Act for the relief of William V. Hughes, assignee of Jonathan Bird.

Section 1. Be it enacted by the Legislature of the State of Texas, That the proper accounting Officers be, and they are hereby authorized to issue a second class certificate of Public Debt, to William V. Hughes, assignee of Jonathan Bird, for one hundred and fifty dollars, in lieu of lost draft, issued by the Secretary of the Treasury of the late Republic, on the 31st of January, 1845, to said Jonathan Bird, for a similar amount, under the provisions of an act, approved January 8th, 1845; and when said certificate is so issued, the Treasurer is hereby authorized to pay the same: Provided, that the said Hughes shall first file with the Comptroller, a bond with security in double the amount, that the original draft shall not become a charge against the State.

Sec. 2. That this act take effect from and after its passage.

Approved January 4th, 1862.

CHAPTER L.

An Act for the relief of the purchasers of University Lands.

Section 1. Be it enacted by the Legislature of the State of Texas, That the purchasers of the University lands shall have until the first of January, 1864, or six months after the close of the present war, should it terminate

before the date named, or until otherwise provided by law, to make payment of the installments and interest due the University fund for said lands: Provided, that this act shall not be construed to prevent such persons as may desire to do so, from paying the installments, or the interest, or the entire purchase money due from them, and provided, further, that the sureties of each purchaser assent, in writing, to such extension of time, or the principals renew their notes, with two or more sureties, to be approved by the Comptroller.

Sec. 2. This act shall take effect from and after its passage.

Approved January 4th, 1862.

CHAPTER LI.

An Act authorizing the issue of duplicate Treasury Warrants No. 3487, in favor of A. M. Ainsworth, and No. 17320 in favor of P. A. Work.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Comptroller of Public Accounts be, and he is hereby authorized to issue a warrant on the Treasury, duplicating a warrant issued to A. M. Ainsworth on the 23d of August, 1861, for ninety-one dollars and sixty-six cents, the same to be delivered to E. H. Moore. That he be also authorized to issue a warrant on the Treasury, duplicating warrant No. 17320, to P. A. Work, on the 25th day of March, 1861, for one hundred and sixty dollars, the same to be delivered to Milton J. Bean; provided that the said E. H. Moore shall file with the Comptroller a good and sufficient bond to the State, with at least two solvent securities, binding the parties to pay to the State the amount of the warrant duplicated, with interest, in the event the original shall ever be presented for payment; in which event suit may be instituted in Travis county; and, provided further, that the said Milton J. Bean shall file with the Comptroller a like bond, with like securities and with like conditions as the one required by this act of the said E. H. Moore.

Sec. 2. That this act shall take effect and be in force from and after its passage.

Approved January 4, 1862.

CHAPTER LII.

An Act for the relief of Lipscomb Norvell.

Section 1. Be it enacted by the Legislature of the State of Texas. That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to Lipscomb Norvell, a headright certificate for one labor of land, it being the balance due him as a colonist of 1835, he having received a title under the laws of Coahuila and Texas for one league of land; provided it shall appear that said Lipscomb Norvell, his heirs or assigns have never received a certificate for said labor of land.

Sec. 2. That this act take effect from and after its passage.

Approved January 6, 1862.

CHAPTER LIII.

An Act for the relief of John Thomas, assignee of D. Murphy.

Section 1. Be it enacted by the Legislature of the State of Texas. That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to John Thomas, as assignee of D. Murphy, a certificate for six hundred and forty acres of land as a bounty for services in the army

of the late Republic of Texas, from 7th of January to 9th August, 1836, in command of Col. Fannin, which said certificate may be located, surveyed and patented as other genuine bounty certificates; provided the original certificate issued by Geo. W. Poe and transferred by D. Murphy to said Thomas, be surrendered to the Commissioner of the General Land Office.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved January 6, 1862.

CHAPTER LIV.

An Act for the relief of Nelson Tarver.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Comptroller be, and he is hereby authorized to extend the time for Nelson Tarver's settlement of taxes, for the county of Henderson, for three years, in equal annual instalments, from the date hereof, with interest thereon from the time of original settlement till its payment; provided the surities of said Nelson Tarver shall assent to the same by an endorsement upon his tax bond.

Approved January 6, 1862.

CHAPTER LV.

An Act to reincorporate the town of San Felipe de Austin, and renew the charter granted to said town on the 18th of November, A. D. 1837.

Section 1. Be it enacted by the Legislature of the State of Texas, That the town of San Felipe de Austin is hereby re-incorporated, with the same rights, powers and privileges that it had by the act of the Congress of the Republic of Texas, approved November 18th, 1837, and the charter granted at that time is hereby renewed.

Approved January 6, 1862.

CHAPTER LVI.

An Act to make valid all acts and contracts of the corporate or supposed corporate officers of the town of San Felipe de Austin, since the 1st day of August, A. D., 1859.

Section 1. Be it enacted by the Legislature of the State of Texas, That all acts done and all contracts made by the corporate or supposed corporate officers of the town of San Felipe de Austin, since the 1st day of August, A. D., 1859, are hereby made valid and binding; provided that said acts and contracts were such as were authorized by the charter granted to said town on the 18th day of November, A. D., 1837.

Approved January 6, 1862.

CHAPTER LVII.

An Act to incorporate the Dallas County Agricultural and Mechanical Association.

Section 1. Be it enacted by the Legislature of the State of Texas, That Amon McCammos, President: A. C. Halleck and William Jenkins, Vice Presidents: and T. C. Hawpe. Jno. Jackson. Wm. H. Hord, James Bentley, A.

Moss, Wm. C. McCamy, Geo. Wilson, Richard Bruton and P. Taylor, Directors, and their successors in office be, and they are hereby constituted a body politic and corporate, with perpetual succession, under the name and style of "Dallas County Agricultural and Mechanical Association," and by that name may sue and be sued, plead and be impleaded, and be capable of acquiring and holding real and personal estate and of using, managing and disposing of the same under the same rules and regulations that govern individuals.

Sec. 2. That said Association shall be composed of individual stockholders, who shall pay into the Treasury thereof the sum of twenty dollars each, and shall thereby become equally interested in all the estate, both real and personal, rents, profits, monies and effects of said Association, and equally liable for all damages against it.

Sec. 3. That said Association shall manage and control all its affairs under such rules and regulations as they shall see fit to adopt, not inconsistent with the laws and Constitution of this State, and the Constitution of the Confederate States of America, and twenty-one members shall constitute a quorum to do business, until said Association shall change the same by its own constitution.

Sec. 4. That said Association shall, from time to time, make and amend such constitution, by-laws, rules and regulations for its action, its members and its fairs, as a majority of those present shall deem proper, or may submit the same to the regularly elected directors, together with the regulations and management of all fairs, improvements and other business, subject, however, at all times, to the approval or rejection of the Association.

Sec. 5. The officers of said Association shall be a President, two Vice Presidents, a Treasurer, a Corresponding and a Recording Secretary, nine Directors, who shall be elected annually on the first Monday in December; shall immediately enter upon the discharge of their respective duties, and shall continue in office until their successors are elected and qualified. The President and Vice Presidents shall be members of the Board of Directors, and hold the same office therein as in the Association.

Sec. 6. That said Association may establish fair grounds and hold fairs therein, and may make such rules and general police regulations as will be sufficient to protect themselves, those who visit said fairs, and all property upon said fair grounds, and within one half mile thereof, from molestation or injury, and the better to accomplish said object, the Directors and Marshal, duly appointed at said fairs, shall each have the powers of a sheriff or constable within said limits, and all Justices of the Peace of said county, and the Mayor of the town of Dallas, shall have jurisdiction within said limits, of all cases arising under the rules and regulations, and may fine and imprison for any violation of said rules and regulations, and for any disorderly or malicious conduct in contempt of said Association, or insulting to, or to the injury of any person or persons within said limits; provided that such imprisonment shall in no case exceed twenty-four hours, and said fine one hundred dollars.

Sec. 7. That no person shall set up or carry on any establishment within one half mile of said fair grounds, for the retail or vending of any article of merchandise, or vinous or spirituous liquors, with the purpose of securing the benefits of a trade with those who are drawn together by said fairs, unless he, she or they shall first obtain a license from said Association to set up or carry on said trade, and any person who shall violate this section of this act, shall forfeit and pay any sum not less than five dollars nor more than one hundred dollars for each day he shall so set up said trade, to be recovered before the authorities herein above specified.

Sec. 8. That all fines, forfeitures and penalties recovered, under the pro-

visions of this act, shall accrue to and be paid into the treasury of said Association.

Sec. 9. That this act shall take effect and be in force from and after its passage.

Approved January 6th, 1862.

CHAPTER LVIII.

An Act for the relief of A. H. Cook.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Comptroller be, and he is hereby authorized and required to draw his warrant on the Treasurer of the State, in favor of A. H. Cook, for the sum of fifteen hundred and thirty 50-100 dollars, and the interest thereon, at the rate of eight per cent per annum, from the first day of January 1856; and that the Treasurer be required to pay the same out of any money in the Treasury not otherwise appropriated.

Sec. 2. Be it further enacted, That this act take effect and be in force from and after its passage.

Approved January 7th, 1862.

CHAPTER LIX.

An Act supplementary to an act, incorporating the Southern Pacific Railroad Company, approved 16th February, 1852, and to the several amendments and supplements thereto, and for the relief of said Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That the section of the Southern Pacific Railroad, now being graded by said Company, running from Jonesville in the County of Harrison, east to the boundary line between Texas and Louisiana, shall be deemed and taken as a part of the section of twenty-five consecutive miles, to be graded by said Company, in addition to the twenty-five miles already completed, in order to entitle said Company to the loan of six thousand dollars per mile, under the provisions of an act entitled, "An act to provide for the investment of the special school fund, in the bonds of Railroad Companies, incorporated by the State," passed 13th August, A. D. 1856, and that said section shall be deemed a part of the main trunk of said road, and the true eastern terminus thereof; the point where the same shall touch the boundary line between Louisiana and Texas, and without prejudice to the chartered rights, franchises, privileges and benefits of said Company, under the charter and the general laws of the State.

Sec. 2. That in view of the fact said Company has nearly completed the grading of twenty-five consecutive miles, in addition to the first section of twenty-five miles already completed, and being worked, and is still progressing with the work on said road, and has a prospect of making a connected road from Marshall, in Harrison county, to Shreveport, in Louisiana, by an arrangement with the Vicksburg, Shreveport and Texas Railroad Company, running through the State of Louisiana; the Governor, Comptroller and Attorney General, ex-officio School Commissioners, are instructed and directed to turn over to said Company the amount of indemnity bonds to which they are entitled, for the completion of twenty-five miles of said road, under the provisions of an act entitled "An act to provide for the investment of the special school fund, in the bonds of Railroad Companies, incorporated by the State," passed 13th August, 1856; upon said Company executing its bonds to secure said loan, in conformity with the 3rd section of said act.

Sec. 3. That said Company are authorized and empowered to purchase, own, construct, equip, and work that portion of the Vicksburg, Shreveport and Texas Railroad, extending from Shreveport, in Louisiana, to the eastern boundary line of Texas, upon such terms as they may obtain from the State of Louisiana, and may be agreed upon between them and the Vicksburg, Shreveport and Texas Railroad Company.

Sec. 4. That said Company are authorized and permitted, if it should desire so to do, to adopt the name of the Atlantic and Pacific Railroad Company.

Sec. 5. That this act shall be in force from and after its passage.

Approved January 8th, 1862.

CHAPTER LX.

An Act to consolidate in one act, and amend the several acts incorporating the city of Houston, in Harris county.

Section 1. Be it enacted by the Legislature of the State of Texas, That all free white inhabitants of the city of Houston, shall be a body corporate, by the name of the Mayor, Aldermen and inhabitants of the city of Houston, and by that name they and their successors shall be known in law, and be capable of suing and being sued, and defending in all courts and all actions and matters whatsoever, and may have a common seal and may alter and change the same at their pleasure, and by the same name shall be capable of holding and conveying any estate, real or personal, for the use of said corporation: Provided, that such real estate be within the limits of said city.

Sec. 2. That the bounds and limits of the said corporation shall include three miles square, to be run with the cardinal points of the compass, of which the Court house, in the city of Houston, shall be the centre.

Sec. 3. That no person shall be a qualified voter at any election for officers of said corporation, unless he possesses the qualifications of a citizen of this State, and has resided within the chartered limits of the corporation of said city six months, next preceding the election, and unless he be a householder or owner of real or personal estate, the last six months within the corporation limits of said city to the value of one hundred dollars, agreeably to the city tax roll, and has paid his taxes thereon, according to the city assessment for the preceding year.

Sec. 4. That no person shall be eligible as an officer of said city, who at the time of his election does not possess the qualifications of an elector, and has not resided in the said city twelve months next preceding, and has not held the last six months, within said city, real estate to the value of one thousand dollars, according to the city tax roll.

Sec. 5. That no person shall be eligible to the office of Mayor of said city, unless he possesses the qualifications of an Alderman, and owns real estate to the value of two thousand dollars, in terms as required by the preceding section.

Sec. 6. That the city authorities are authorized to divide the city into a convenient number of wards, not exceeding eight, and to fix and define the boundaries thereof.

Sec. 7. That the qualified voters of said corporation shall elect a Mayor, Recorder, Marshal, Sexton, and City Assessor and Collector, who shall hold their office for the term of one year, and until their successors shall be elected and qualified.

Sec. 8. That at the first annual election for city officers, after the passage of this act, there shall be elected two Aldermen from each ward; one of

whom shall hold the office for the term of one year, and the other for the term of two years, and immediately after their being qualified, the Aldermen so elected from each ward, shall determine by lot who shall hold for the long term, and at every annual election thereafter, one Alderman shall be elected from each ward, who shall hold the office for the term of two years.

Sec. 9. That the Mayor and Aldermen shall constitute the City Council, over which the Mayor shall preside, when present, and in case of a tie in the vote of the Board he shall give the casting vote.

Sec. 10. That the City Council shall have power to regulate the manner and time of holding and conducting elections, not inconsistent with the laws and constitution of the State; and shall be the Judge of the elections of the officers of said corporation.

Sec. 11. That the officers of said corporation before they enter upon the discharge of their duties, shall take and subscribe the oath of office required by the constitution of the State, which may be taken before any officer legally authorized to administer oaths.

Sec. 12. That the Mayor shall convene the Council whenever required to do so by three Aldermen of the said city, and no meeting shall proceed to the transaction of any business, unless it be composed of a majority of the whole number of Aldermen elected and qualified, and such a number, with or without the Mayor, shall be a quorum for the transaction of business.

Sec. 13. That in future the sittings, or assemblies, of the City Council of Houston shall be public, except where, at the request of two-thirds of the members present in said council, the said council shall deem it necessary to deliberate with closed doors.

Sec. 14. That in future the Mayor, Recorder, nor none of the Aldermen then in office, shall be allowed, either in his own name, or through the medium of other persons, to become the lessee or bidder for any branch of the revenues of the city, nor for any work or undertaking whatsoever, which may be authorized or ordered by the corporation of said city.

Sec. 15. That in case of the inability of the Mayor of the city of Houston to perform his duties, by reason of absence, refusal, or other cause, or in the event of a vacancy in said office, occasioned by death, resignation or otherwise, the Board of Aldermen of said city may be, and they are hereby, authorized and empowered to appoint from their own body a presiding officer, who shall be Mayor pro tem, and shall have, and may exercise, all the powers conferred by law on the Mayor, and shall perform all the duties thereof, until his return, the removal of such inability, or a successor is elected and qualified; provided, that in case of a vacancy in said office, the City Council may order an election upon ten days notice, to fill such vacancy for the unexpired time.

Sec. 16. That whenever any order, resolution, by-law or ordinance may be passed by the Council, and is disagreed to by the Mayor, it shall be inoperative, unless the same shall be passed by a vote of a majority of the whole number of Aldermen, taken by yeas and nays, and recorded upon the journal of their proceedings.

Sec. 17. That in case of vacancy in the office of Aldermen, Recorder, Marshal, City Assessor and Collector, Sexton, or other subordinate office, the Mayor may order an election to fill the same, first giving ten days notice thereof, and the person so elected shall hold his office for the unexpired term.

Sec. 18. That the City Council shall elect a Secretary and Treasurer, and such other subordinate officers as may be necessary for preserving the peace and well ordering of the affairs of the said corporation, and shall prescribe their duties.

Sec. 19. That the City Council shall have power to remove any officer of the said corporation, for any neglect, misdemeanor, or malfeasance, in office.

by a vote of three-fourths of the whole number of Aldermen elected and qualified.

Sec. 20. That the City Council shall require such officers as they may see proper, to execute bonds for the faithful discharge of the duties and trusts incumbent upon them, in such amounts as it may deem necessary, with security, to be approved by the Council.

Sec. 21. That the Mayor and Recorder are hereby vested with all the powers and jurisdiction, civil and criminal, within the limits of said corporation, which may by law, be executed by Justices of the Peace, under the laws of this State, and in prosecutions, trials and proceeding, had before them under this act, and the by-laws and ordinances of said corporation, they shall be governed by the laws regulating the proceedings in Justices' Courts, in force at the time, and shall be entitled to the same fees that Justices of the Peace are then allowed for similar service.

Sec. 22. That all process from the Mayor or Recorder may be directed to and executed by the Sheriff, any Constable of the city, or the City Marshal, in the same manner that similar process from Justices of the Peace is executed.

Sec. 23. That it shall be the duty of the Mayor and Council to cause the Secretary and Treasurer of the corporation to publish, on the first Monday of March, in each year, an accurate, detailed and just statement of the receipts and expenditures, and condition of the treasury of said body politic, and publish the same in at least one of the gazettes printed in Houston; the said statement, before it is printed, shall be carried by the Treasurer aforesaid before some Judge or Justice of the Peace, before whom he shall testify on oath that the same is a faithful and correct statement.

Sec. 24. That should the Secretary and Treasurer of said corporation refuse to account as directed by this Act, he shall pay a fine of two thousand dollars; said fine to be recovered on motion before the District Court by the District Attorney, or his assistant—ten days notice of which shall be given to the said Treasurer; and it is hereby made the duty of the District Attorney to inquire and see that the provisions of this Act are faithfully fulfilled, and proceed as the case may require.

Sec. 25. That the fines imposed by the regulations of the by-laws of the corporation of Houston, shall not exceed the sum of one hundred dollars, and the recovery of the same shall be made before the Mayor or Recorder, in the name of the Mayor, Aldermen, and inhabitants of the city of Houston, for the benefit of said city.

Sec. 26. That the Mayor and City Council of Houston shall have power to appropriate so much of the revenues of the city, emanating from whatever source, to the improvement of the public market, roads, within or without the limits of the corporation, leading to the city, as they, in their wisdom, may, from time to time, deem expedient.

Sec. 27. That the Mayor and City Council of the city of Houston shall have full power and authority to make and pass such by-laws or ordinances as they shall deem necessary to maintain the cleanliness and salubrity of said city, to secure the safety and convenience of passing in the streets and squares, ways, levees, and other public roads, to fix the squaring, and to prevent any encroachment or other undertaking on the said public roads, to determine the completion and dimensions, the maintenance and repair of the said pavements in the said streets, at the cost of proprietors of houses, lands or neighboring lots, to fix the place and anchoring for all water crafts on the bayou, to establish an active system of inspection over the conduct of slaves, to establish a city guard, or patrols, to provide for lighting the streets, to determine in what part of the city wooden buildings shall not be allowed to be erected, to prevent gunpowder being stowed within the city and suburbs in such quan-

tity as to endanger the public safety, to determine on the means to be resorted to in order to extinguish conflagrations, and to prevent the same, to regulate the service of persons employed in working fire engines, to permit or forbid theatres, balls and other public amusements, to cause the playhouses and other places for shows or exhibitions to be closed whenever the preservation of order, tranquility or public safety shall require it, also to close dram shops and drinking saloons whenever necessary or expedient, to establish one or more market places, and to determine the mode of inspection for all comestibles sold publicly—either in said market or markets, or in other places, to define and suppress nuisances, to regulate everything which relates to bakers, butchers, tavern keepers, or of grog shops, and other persons keeping public houses, draymen, horse drivers, water carriers, and slaves employed as day laborers, to fix the compensation of said draymen, hack drivers, water carriers, common carriers, omnibus drivers, and baggage wagons, and to make other regulations which may contribute to the better administration of the affairs of said corporation, as well as for the maintenance of the police, tranquility and safety of said city: Provided, That no by-laws or regulations which have been made by said Mayor and City Council shall have any force and effect in what may be contrary to the provisions of the Constitution of the State of Texas. Provided, also, That said Mayor and City Council shall not have the power of fixing the price of any article sold in the market or other places, except wheat bread, the price of which may be regulated according to the market price of flour.

Sec. 28. That the Mayor and City Council of the said city shall have power to construct wharves on the banks of the Buffalo Bayou, within the limits of the corporation of said city, and such other improvements as may be necessary for the better navigation of said bayou, and for the convenience of landing vessels and their cargoes, and to lay contributions upon all such vessels and cargoes as may land at the said wharves, and to collect the same to defray the expenses thereof.

Sec. 29. That whenever any steamboat, or other craft, shall sink in the Buffalo Bayou, above the town of Harrisburg, so as to obstruct the navigation, it shall be the duty of the Mayor of the city of Houston, to appoint three good and discreet commissioners to inspect and examine the condition of such boat or craft sunk as aforesaid, who shall proceed immediately on their appointment, to make an examination of such boat or craft so sunk, and report, in writing, their opinion, stating whether, in their opinion, the boat or craft sunk can be, or is likely to be, raised or removed within the space of ten days after their examination; and should they be of the opinion that such boat or craft is not likely to be raised or removed, so as to open the navigation, within the space of twenty days from the time of their examination, then and in that case, the Mayor and Aldermen of the city of Houston may order the removal of such boat or craft so sunk, in any manner they shall deem proper, without incurring any damage or penalty for the same.

Sec. 30. That said corporation of the city of Houston is hereby given full power and authority to take such steps to preserve and improve the navigation of the said Buffalo Bayou, above the town of Harrisburg, as they may think proper; and for that purpose they are authorized to levy and collect a tax on all steamboats and other craft running said Bayou, for the purpose of improving the navigation thereof: Provided, That the power in this section granted, shall not be construed to give said corporation any jurisdiction or control over said Buffalo Bayou, or the banks thereof, in any manner, without or beyond the corporate limits of said city, except for the purpose of protecting or improving the navigation of said bayou, and shall not give said corporation jurisdiction or control, to prevent, or interfere with the construction

of any railroad or other bridge, by any company or person, across said bayou in such manner as not to interfere with the navigation of said bayou.

Sec. 31. That the City Council by a vote of a majority of the whole number of Aldermen, taken by yeas and nays, and entered upon their journal, shall have power to assess, license and tax, hawkers, pedlers, auctions, theatrical and other exhibitions, shows and amusements, billiard tables, nine and ten pin alleys, public drays, wagons, omnibusses and carriages, grog shops, tippling houses, and dram shops, beer saloons, whether for the sale of domestic beers and liquors or otherwise, and such other trades or occupations not specially mentioned herein, as may be taxed by the laws of the State, and to suppress all gaming houses, and all disorderly houses, by whatever name or description known.

Sec. 32. That the City Council by a vote of a majority of the whole number of the Aldermen, taken by yeas and nays, and entered upon their journal, may assess and collect an annual direct tax upon all property, real and personal, situate and being within the limits of the corporation, not exceeding one-half of one per centum, ad valorem.

Sec. 33. That every person or persons on whom or whose vocation a license tax may have been assessed, shall, before engaging in such vocation, pay to the City Assessor and Collector the amount of such tax, taking his receipt therefor, which receipt shall entitle him, her, or them, to a corresponding license, to be issued by the Mayor. If any person or persons shall engage in any vocation within the limits of the city, on whom or which a license tax had been assessed, by the City Council, without having first obtained a license therefor from the Mayor, such person or persons shall be liable to pay one-fourth of the amount of such annual license tax for each week, he, she or they, may be so engaged, and in the same proportion for each day, which may be recovered by action before the Recorder or any Justice of the Peace, or the District Court, according to the amount; one-fourth part of the recovery, for the use of the informer, and the balance to the city.

Sec. 34. That after the expiration of the time prescribed by law, for the payment of city taxes, the Assessor and Collector for the city, or such officer as the City Council may charge therewith, may proceed to seize upon any property, real or personal, the tax on which has not been paid, or that belongs to a delinquent taxpayer, and after advertising the same in some newspaper published in the city of Houston, or by posting at three public places, in said city, if there be no newspaper published as aforesaid, for twenty days, specifying the time and place of sale, may sell at the Court House door, of Harris county, to the highest bidder, for cash, so much of said property as will pay the taxes thereon or may be due from such delinquent, as the case may be, together with costs of advertising and selling, unless the taxes and cost be paid before the day of sale. If the sales should not be completed on the day appointed, the Assessor and Collector may adjourn the sales from day to day, until they are all completed.

Sec. 35. That at the conclusion of the sales, and on compliance with the terms thereof, by a purchaser, the Assessor and Collector shall give to such purchaser a certificate of purchase, stating the amount of tax and costs paid, and describing the property sold, which shall entitle the purchaser to a deed for said property, at the expiration of twelve months, from the Mayor of the city; but such certificate may be redeemed within one year from the day of sale, by the owner of the property sold, or some person for him, by payment of double the amount of tax and costs paid by the holder; which payment may be made either to the City Treasurer, for the use of the holder of such certificate, or to the holder of such certificate.

Sec. 36. That if any certificate of purchase, given as before provided, be not redeemed within one year from the day of sale, then the holder may demand, and it shall be the duty of the Mayor of the city to give a deed to such holder, conveying all the right and interest of the person in whose name the property is sold, and of the owner, in case of unknown or non-resident owners, in and to the property specified in the certificate, on production and delivery of the certificate to him, such deed shall be signed by the Mayor, in his official capacity, and countersigned by the Secretary of the Council, under the city seal.

Sec. 37. That the city shall not be held responsible on any implied warranty, or for any damages under any deed or sale made for taxes; but the person injured by any neglect or malfeasance of any officer, shall have recourse against him for any damage sustained in consequence thereof.

Sec. 38. That any tax deed made as required by this act, shall be prima facie evidence that all the pre-requisites of the law have been complied with, and shall pass all the right of the person owning the property conveyed, unless it can be proven that the tax thereon had been paid before the sale, or the certificate of sale redeemed within the year aforesaid.

Sec. 39. That the Assessor and Collector shall, after his sales make returns to the Council of all property sold, and the names of the purchasers of each parcel of property, to whom certificates of purchase may be issued, which returns shall be preserved among the archives of the city.

Sec. 40. That the acts, so far as relate to the city of Houston, namely: "An act to incorporate the city of Houston, and other cities therein named, approved January 28th, 1859; an act supplementary to an act, entitled an act, to incorporate the city of Houston, and other cities therein named, approved 28th January, 1839; approved February 5th, 1840; an act to amend the several acts incorporating the city of Houston, approved November 17th, 1840; an act to amend an act to incorporate the city of Houston and other cities therein named, approved November 24th, 1841; an act to authorize the corporation of the city of Houston to remove obstructions in Buffalo Bayou, interfering with the navigation thereof, approved January 29th, 1842; an act supplementary to an act amending the several acts incorporating the city of Houston, approved February 3rd, 1844; an act to amend an act incorporating the city of Houston, approved March 11th, 1848; and an act to provide for the election of all officers created by the charters, and Boards of Aldermen of the cities of Galveston and Houston, approved February 11th, 1852; be and the same are hereby repealed, and that all property actions, rights of actions, claims and demands of every nature and kind, whatsoever, vested in said corporation, under and in virtue of the said laws, hereby repealed, shall vest in, remain and enure to the said corporation, under this act, as fully and completely in all respects, as if the said laws had not been repealed. And that all bylaws, resolutions and ordinances made and passed under, or in pursuance of the said laws hereby repealed, shall continue and remain in full force, until repealed by the proper authorities of the said corporation. And this act shall take effect and be in force from and after the first day of February, A. D. 1862.

Approved January 8th, 1862.

CHAPTER LXI.

An Act for the relief of Levi English.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby instructed to issue to Levi English, of Atascosa county, a certificate for six hundred and forty acres of land, by virtue of his emigration to the Republic in 1837; provided a certificate in virtue of said emigration has never before been issued.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved January 8, 1862.

CHAPTER LXII.

An Act for the relief of Thomas F. Smith.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to Thomas F. Smith an unconditional certificate, corresponding to conditional certificate No. 142, issued to the said Thomas F. Smith, for three hundred and twenty acres of land, by the Board of Land Commissioners of Lamar county, on the 29th day of December, 1841, to be located on any of the unappropriated domain of the State.

Sec. 2. That this act take effect from and after its passage.

Approved January 8, 1862.

CHAPTER LXIII.

An Act amendatory of an act supplementary to the second section of an act granting a pension to Cynthia Ann Parker, approved April 8th, A. D. 1861.

Section 1. Be it enacted by the Legislature of the State of Texas, That the second section of the above recited act shall hereafter read as follows:—Sec. 2. That Silas M. Parker, of Van Zandt county, is hereby constituted an agent for Cynthia Ann Parker, formerly of Tarrant and now of Van Zandt county, and on his giving bond in the sum of four hundred dollars to the Chief Justice of Van Zandt county, conditioned for the faithful application of said pension to the support of said Cynthia Ann Parker, and for the support and education of her child, Topasannah, and upon the production of the certificate of the Clerk of the County Court of Van Zandt county, to the Treasurer of the State of Texas, certifying that said agent has given bond as required by this act, the said Treasurer shall pay the said pension to the said agent or his order.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved January 8, 1862.

CHAPTER LXIV.

An Act for the relief of Charles H. Sims.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is required to issue to Charles A. Sims a bounty land certificate for three hundred and twenty acres of land, for his services as an assistant quartermaster, from the 8th day of June to the 1st day of November, 1836, in the army of the Republic of

Texas, which certificate may be located, surveyed and patented as other certificates, provided it shall appear that no certificate has ever issued to him for said services.

Sec. 2. That this act take effect from and after its passage.

Approved January 9, 1862.

CHAPTER LXV.

An Act for the relief of Trueman B. Beck, William Custard, Abner Matthews and Abner H. Cook.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Comptroller of Public Accounts is hereby required to credit the judgment rendered in the District Court of Travis county, on the 1st day of October, 1853, in favor of P. H. Bell, Governor of the State of Texas, against Trueman B. Beck, William Custard, Abner Matthews and Abner H. Cook, and the subsequent judgment of said Court thereon, reviving said judgment, with the sum of four hundred and ten dollars, paid by said Beck to the Sheriff of Travis county, on account of said judgment, prior to the first day of October, 1854, and interest from said date of payment, and said payment shall be allowed as a credit to the defendants in said judgments, in the settlement thereof.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved January 9, 1862.

CHAPTER LXVI.

An Act to prohibit Stallions or Jacks from running at large in Dallas, Lamar and Bowie counties.

Section 1. Be it enacted by the Legislature of the State of Texas, That it shall be unlawful for any citizen of Dallas county to allow any Stallion or Jack, over the age of two years, to run at large.

Sec. 2. That any citizen of Dallas, Bowie and Lamar counties who may be annoyed by any such animal shall have the right to take up, and in the presence of two or more respectable witnesses, castrate the same, provided that the person taking up such animal, shall be required to give the owner thereof three days previous notice, if he is known to him.

Sec. 3. That this act take effect from and after its passage.

Approved January 9th, 1862.

CHAPTER LXVII.

An Act for the relief of the heirs of Lewis Powell, deceased.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office is authorized and required to issue to the heirs of Lewis Powell, deceased, for his having been killed at Goliad, as a married man under Col. Fannin, at the massacre of his men, an augmentation of two-thirds of a league and labor of land, provided they have not already received the same. The certificate to be issued under this act may be located, surveyed and patented as other like certificates for land.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved January 9, 1862.

CHAPTER LXVIII.

An Act to validate certain certificates for land therein named.

Section 1. Be it enacted by the Legislature of the State of Texas, That the following named land certificates be, and they are hereby declared as legal and valid as though all the requisitions of the law had been fully complied with, to wit:

The unconditional headright certificate No. 21 class 3, for 320 acres of land issued to the heirs of Pleasant M. Miller, by the Board of Land Commissioners of Milam county, on the 3d day of July, 1843.

The unconditional headright certificate No. 142, class 2, for 640 acres of land issued by the Board of Land Commissioners of Liberty county to Theophilus Wells on the 19th day of February, 1849.

The headright certificate for 320 acres, No. 91, issued by the District Court of Refugio county, on the 27th day of May, 1858, to the heirs of James Callan, and the headright certificate for 640 acres No. 92, issued by the District Court of Refugio county on the 25th day of May, 1859, to the heirs of Wm. R. Pay.

Sec. 2. That this act take effect from and after its passage.

Approved January 9, 1862.

CHAPTER LXIX.

An Act for the relief of Joseph P. Sneed assignee of Thomas Grubbs.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby required to issue to Joseph P. Sneed, assignee of Thomas Grubbs, a headright certificate for one-third of a league of land, which may be located and patented as other certificates, provided Thomas Grubbs has not heretofore received the same.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved January 9, 1862.

CHAPTER LXX.

An Act authorizing and requiring the Commissioner of the General Land Office to issue to Archibald Hotchkiss, a certificate for one league of land, in right of, and as the assignee of the claim that Albert Emanuel had to a league of land as his Headright.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office, be, and he is hereby authorized and required to issue to Archibald Hotchkiss, a certificate for one league of land, in right of, and as the assignee of the claim that Albert Emanuel had to a league of land as his Headright.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved January 9, 1862.

CHAPTER LXXI.

An Act for the relief of Robert H. Jackson.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office, be and he is hereby authorized and required to issue to Robert H. Jackson, a certificate for six hundred and

forty acres of land, which may be located and patented as other genuine land certificates.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved January 9, 1862.

CHAPTER LXXII.

An Act for the relief of George W. Glasscock, assignee of Mandrid Wood.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office, be and he is hereby authorized and required to issue to George W. Glasscock, a certificate for three hundred and sixty-nine acres of land, as the assignee of Mandrid Wood, which certificate shall be located, surveyed and patented, as other first class certificates, Provided no such certificate has heretofore issued.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved January 9th, 1862.

CHAPTER LXXIII.

An Act for the relief of George W. Morris.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Comptroller audit the claim of George W. Morris, for \$364 81-100 for services rendered on the Santa Fe expedition.

Sec. 2. That the sum of \$364 81-100 be and the same is hereby appropriated for the payment of the same out of any money in the Treasury not otherwise appropriated and that this act take effect and be in force from and after its passage.

Approved January 9th, 1862.

CHAPTER LXXIV.

An Act for the relief of James P. Plummer.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office, be and he is hereby authorized and required to issue a land certificate for twelve hundred and eighty acres of land, to James P. Plummer, of Limestone county, which may be located and patented as other genuine certificates, Provided the said Plummer has not received a grant of land heretofore.

Sec. 2. That this act take effect from and after its passage.

Approved January 9th, 1862.

CHAPTER LXXV.

An Act to authorize and require the Superintendent of the Lunatic Asylum to receive Margaret Needham, a lunatic, and to make provision for the same.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Superintendent of the Lunatic Asylum, be and he is hereby authorized and required to receive, for treatment, Margaret Needham, a Lunatic from Travis county.

Sec. 2. That the Chief Justice of Travis county, or the County Court thereof, is hereby required to make the same provisions for her support and

maintainance, as is required by law, in other cases as though no patient had been sent from Travis county.

Sec. 3. That this act be in force from and after its passage.

Approved January 10th, 1862.

CHAPTER LXXVI.

An Act authorizing Stephen W. Beasley to demand, receive and take charge of the monies, warrants, or other dues, to which F. M. Marshall, J. R. Bonner, and Wm. J. McCain, were entitled to at their death, by virtue of service rendered under Capt. S. J. Richardson, in the army of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That Stephen W. Beasley, be and he is hereby authorized to demand, receive and take charge of the monies, warrants, or other dues, to which F. M. Marshall, J. R. Bonner, and William J. McCain, members of Capt. S. J. Richardson's Company, are entitled to receive from the State, which said Marshall, Bonner, and McCain, died in the service of the Confederate States.

Sec. 2. It shall be the duty of the said Beasley, to deliver the said monies, warrants, or other dues so received, to the parents of the deceased.

Sec. 3. That this act be in force and take effect from and after its passage.

Approved January 11th, 1862.

CHAPTER LXXVII.

An Act to authorize and require the County Court of Colorado county to furnish the County Surveyor of said county, with Books of Record, and to provide for transcribing the Records of the Surveyor's Office, of said county.

Section 1. Be it enacted by the Legislature of the State of Texas, That the County Court of Colorado county, be and is hereby authorized and required to furnish the County Surveyor of said county, with well bound books or book, for the purpose of transcribing the Records of the Surveyor's Office of said county.

Sec. 2. That it shall be the duty of said Surveyor to transcribe the Records of the Surveyor's Office of said county, in such book or books, in a plain legible hand, and when so transcribed, they shall be carefully compared with the original Record, by the County Court and the Surveyor. When found to be truly and correctly transcribed, the Chief Justice, Clerk, and at least two of the County Commissioners, shall certify, under their official oath of office, at the conclusion of the Record, with the impress of the county seal affixed on the same page, to the correctness of the same, reciting the number of pages contained in said book, from one to the highest number; after which said transcribed Records shall have all the force and effect in law and equity as the original Records.

Sec. 3. That the said Surveyor making such transcript, shall be entitled to the same compensation for said services as are allowed to Clerks of the County Court for similar services.

Sec. 4. That this act take effect and be in force from and after its passage.

Approved January 10th, 1862.

CHAPTER LXXVIII.

An Act to confirm Bounty Land Warrant, No. 1551, issued to Andrew Benner, for 240 acres.

Section 1. Be it enacted by the Legislature of the State of Texas, That a certain certificate, No. 1551, issued for military services, to Andrew Benner, for two hundred and forty acres of Bounty land, by James S. Gillett, Adjutant General of the State of Texas, on the 21st day of March, A. D., 1854, be and the same is hereby legalized, approved, and confirmed; and that said certificate may be located, surveyed, and patented in the same manner, as it might, had it been duly presented to, registered and approved by the Commissioner of Claims, and all other requisites complied with in relation thereto.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved January 11, 1862.

CHAPTER LXXIX.

An Act for the relief of the heirs of John White, deceased.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Comptroller be, and he is hereby authorized and required to draw his warrant on the Treasurer for one hundred and eighty dollars, in favor of the heirs of John White, deceased, for services performed by said White, as 1st Lieutenant in Captain Joseph Daniel's Company, from the 15th day of November, 1838, until the 15th February, 1839, in the army of the Republic of Texas, and that the Treasurer be required to pay the same out of the money appropriated for the payment of the second class Public Debt of Texas.

Sec. 2. That this act shall take effect from and after its passage.

Approved January 11th, 1862.

CHAPTER LXXX.

An Act for the relief of W. L. Chalmers.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Comptroller be and he is hereby required to audit and allow the claim of W. L. Chalmers, now on file in his office, for services rendered the State of Texas, as Regimental Quartermaster, on the staff of Col. M. T. Johnson, according to the provisions of the Act of 14th February, A. D., 1860, and said Comptroller is furthermore required to audit and allow the claim of W. L. Chalmers, for sixty days service, for adjusting the accounts of the mounted Regiment of Col. M. T. Johnson, after said Regiment had been mustered out of the service of the State, in accordance with the account now on file in the office of the Comptroller, for three hundred dollars, and to draw his warrant on the Treasurer for the amount audited under the provisions of this Act, in favor of W. L. Chalmers; and that the sum of thirteen hundred and ninety-one dollars and forty-four cents, is hereby appropriated out of any money in the Treasury, not otherwise appropriated, to pay the same.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved January 11th, 1862.

CHAPTER LXXXI.

An Act for the relief of Sampson & Henricks and S. M. Swenson.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby required to issue to Sampson & Henricks, a certificate for twelve hundred and eighty acres of land, and to S. M. Swenson, a certificate for nine hundred and sixty acres, which may be located and surveyed upon any public domain subject to location. Said land certificates to be taken by the said Sampson & Henricks, and S. M. Swenson, in full payment of their claims as assignees of William R. S. Rondeau, as Clerk of the State Department.

Sec. 2. Be it further enacted, That this act take effect from and after its passage.

Approved January 11th, 1862.

CHAPTER LXXXII.

An Act to extend the provisions of An Act to provide for the incorporation of towns and cities, to the town of Sumpter, in Trinity county.

Section 1. Be it enacted by the Legislature of the State of Texas, That the provisions of an act entitled an act to provide for the incorporation of towns and cities, be and the same are hereby extended to the town of Sumpter, in Trinity county.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved January 11th, 1862.

CHAPTER LXXXIII.

An Act to authorize and require the Comptroller to audit and settle the accounts of Quartermasters appointed for the several camps of instruction, organized by order of the Governor; and to authorize said Quartermasters to pay over any money in their hands to the Chief Justices of the Counties contributing supplies to said camps, in proportion to their respective contributions.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Comptroller be and he is hereby authorized and required to audit and settle the accounts of the Quartermasters appointed for the several camps of instruction, organized under order of the Governor; and any money which may be in the hands of such Quartermasters, received in the way of contributions, or may arise from the sale of property or supplies contributed, shall be paid over to the Chief Justices of the counties from which contributions were received, respectively in proportion to the amount of contributions from the county, which money shall be applied to the benefit of the soldiers who may have gone from the county.

Sec. 2. Be it further enacted, That upon the filing in the office of the Comptroller, the receipts of the Chief Justices for the full amount found in their hands, upon the settlement provided for in the preceding section, the Comptroller shall be authorized to cancel the bonds of said Quartermasters on file in his office.

Sec. 3. Be it further enacted, That this act shall take effect from and after its passage.

Approved January 11th, 1862.

CHAPTER LXXXIV.

An Act to incorporate the Aransas Salt Works Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That Pryor Lea, as Commissioner, is authorized to organize a Joint Stock Company for the purposes of making salt and preparing it for market, to be called the Aransas Salt Works Company, to have capital stock, in shares of one hundred dollars each, to any amount not exceeding one hundred thousand dollars; to have the ordinary rights of a corporation when so organized, and to continue for thirty years from the date of this act; Provided, the Company shall have made one hundred thousand bushels of salt, at the place to be named below, before the expiration of two years from the close of the present war between the Confederate States of America and the United States of America.

Sec. 2. The Company, for the purposes aforesaid, may use such premises as it may acquire the right to use, by contract with the Aransas Road Company, embraced within the rights of the latter Company, in and adjoining Aransas bay; and, after such acquisition, may continue to so use it, during the term aforesaid, without dependence on any future action of the Aransas Road Company.

Sec. 3. This act shall be in force from its passage.

Approved January 11th, 1862.

CHAPTER LXXXV.

An Act for the relief of the heirs of George W. Wilson.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office, be and he is hereby required to issue to the heirs of George W. Wilson, deceased, a certificate for one league and labor of land, it being the quantity to which the said George W. Wilson was entitled by virtue of his emigration into the late Republic, in 1835; Provided, said George W. Wilson, his heirs or assigns, have not already received the benefits of said certificate or land.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved January 11th, 1862.

CHAPTER LXXXVI.

An Act for the relief of the heirs of Charles Clark.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of Claims, be and he is hereby authorized and required to issue a donation certificate for 640 acres, and a bounty certificate for 320 acres of land, to the heirs of Charles Clark; and that this act take effect and be in force from and after its passage.

Approved January 11th, 1862.

CHAPTER LXXXVII.

An Act for the relief of Robert R. Scott.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office, be and he is hereby authorized and required to issue to Robert R. Scott, a bounty warrant for two hundred and forty acres of land, for services rendered in the army of the Republic of Texas: Provided, said certificate has not heretofore been issued.

Sec. 2. That this act be in force from and after its passage.
Approved January 11th, 1862.

CHAPTER LXXXVIII.

An Act to authorize James W. Flanigan and his associates to construct a Bridge across the Sabine River.

Section 1. Be it enacted by the Legislature of the State of Texas, That James W. Flanigan and other persons whom he may choose to associate with him, be and they are hereby authorized to construct a bridge across the Sabine river, at any point he or they may select, in the counties of Rusk or Harrison, between a ferry on said river known as Walling's ferry, and another known as Ramsdale's ferry, where he or they may be the owner of the land on either side of said river; provided the owner or owners of the land on the opposite side of the river, from the land so owned by said Flanigan and his associates, consent to the building of said bridge, or provided said bridge be constructed on some public road crossing said river, and should said Flanigan and his associates construct said bridge at some place on said river other than where said river is crossed by a public road, where he or they may own the land on both sides of the river, or where they can get the consent of the owner or owners of the bank of said river, not owned by said Flanigan and his associates, they may then have the right of way to open a road from the same to the town of Marshall, in Harrison county; and also to the town of Henderson, in the county of Rusk; and also through the county of Harrison, in the direction of Shreveport, in the State of Louisiana; Provided that said bridge shall be so constructed as not to obstruct or hinder the navigation of said river, and should any of the owners of the land over which said road is to be opened object to the opening of the same, then said Flanigan and his associates may apply to the County Court of the county where such land lies, and may obtain an order of said Court, ordering him and his associates, to open said road; and in ordering said road to be opened, such County Court shall be governed by the laws providing for the laying off and opening new public roads through the different counties of this State.

Sec. 2. That the rates of toll to be charged and collected by said Flanigan and his associates shall be fixed by the County Court of Rusk county, and the license tax shall be levied by the same court, provided that the said Flanigan and his associates shall not be required to pay a license tax in any but one county on said bridge.

Sec. 3. That said Flanigan and his associates shall in all respects be governed by the laws of this State regulating roads, bridges and ferries, when the same shall not conflict with the provisions of this act.

Sec. 4. That said Flanigan and his associates shall have the right to the use of a sufficient quantity of timber for the construction of all causeways and bridges that may be necessary on the road mentioned in this act, to be taken from the lands adjacent to said road, for which they shall pay a reasonable compensation to be determined by agreement between the parties, or in case they cannot agree, then either party may have the value of said timber assessed by applying to the County Court of the county in which the land from which said timber shall be taken lies, and on such application it shall be the duty of such court to appoint five qualified voters of the precinct in which such timber is situated, whose duty it shall be to assess the value of such timber, and return such assessment to the next term of said County Court, and said Flanigan and his associates shall be held liable to pay such person the value of said timber fixed by such appraisers, and the same

may be recovered by suit before any court having jurisdiction of the same, and the assessment so made shall be sufficient evidence before said court to authorize the rendition of judgment for the amount so assessed.

Sec. 5. That said parties shall commence the building of said bridge within one year from the passage of this act, and have the same completed within five years, and in case of failure thereof they shall forfeit all privileges granted by this act.

Sec. 6. That this act take effect from and after its passage.

Approved January 11, 1862.

CHAPTER LXXXIX.

An Act to provide for the payment of Captain Milton Webb's company of Mounted Volunteers.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Comptroller be authorized and required to settle with the officers and privates of Captain Milton Webb's company of Mounted Volunteers, in the service of the State, from the 10th day of April, 1861, to the 15th day of June, 1861, under an ordinance of the Convention, passed 18th of March, 1861, and by order of Gov. Ed. Clark, and to regard all accounts for pay, transportation and subsistence, as if the said company had been regularly in the service of the State during said period.

Sec. 2. That this act be in force from and after its passage.

Approved January 11, 1862.

CHAPTER XC.

An Act for the relief of the Texas and New Orleans Railroad Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That the failure of the Texas and New Orleans Railroad Company to make its annual report to the Comptroller, of its operations for the year ending on the first day of October, 1861, shall not operate as a forfeiture of its charter, or any of its rights under the same, or any act supplementary thereto, or any general law regulating railroad companies, provided said report shall be made within sixty days from the passage of this act.

Sec. 2. That any penalty which may have been incurred by said Company by such failure be, and the same is hereby remitted, provided said Railroad Company complies with the provisions of this act, and that this act take effect and be in force from and after its passage.

Approved January 11, 1862.

CHAPTER XCI.

An Act to repeal an act entitled "An Act to authorize and require all forced sales of real estate and negroes, and sales of real estate or negroes, made by executions and administrators, in the county of Nueces, be made at the front door of the La Retama House in the city of Corpus Christi," approved April 16th, 1861.

Section 1. Be it enacted by the Legislature of the State of Texas, That the above entitled act be, and the same is hereby repealed, and that this act take effect and be in force from and after its passage.

Approved January 11, 1862.

CHAPTER XCII.

An Act for the relief of F. A. Sherman.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to F. A. Sherman a duplicate land warrant for 1280 acres of land in lieu of the original warrant for said quantity of land, provided it shall appear that said original warrant has not been returned to the General Land Office or a duplicate issued for the same.

Sec. 2. That this act take effect from and after its passage.

Approved January 11, 1862.

CHAPTER XCIII.

An Act authorizing Horace Cone to draw the mileage and per diem of the late Hon. John C. Walker.

Section 1. Be it enacted by the Legislature of the State of Texas, That Horace Cone be, and he is hereby authorized to draw the mileage and per diem due from the State of Texas to the late Hon. Jno. C. Walker.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved January 11, 1862.

CHAPTER XCIV.

An Act for the relief of John P. Gill.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to Jno. P. Gill a donation warrant for 640 acres of land, in consideration of his having entered Bexar between the 5th and 10th of December, 1835, and having participated in the reduction of the same; in lieu of donation warrant No. ,— for the same service, which has been lost.

Sec. 2. That this act take effect from its passage.

Approved January 11, 1862.

CHAPTER XCV.

An Act for the relief of the heirs of James H. Denson.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to the heirs of James H. Denson a certificate for one third of a league of land which certificate may be located and patented as other genuine certificates, provided the said Denson has not heretofore received a certificate for a third of a league headright, and that this act take effect and be in force from and after its passage.

Approved January 11, 1862.

CHAPTER XCVI.

An Act for the relief of Mrs. Ann E. Baxter and Mrs. Martha Tramel.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized

and required to issue to Mrs. Ann E. Baxter, widow of Geo. G. Baxter, a certificate for one hundred and fifty-six acres of land, situated in the county of Smith, and described in survey and field notes, No. 1113, made by R. E. Curlee, county surveyor of Smith county, upon the application of said Geo. G. Baxter, under the provisions of "an act to authorize the sale of the public domain," approved February 1st, 1860; provided that said Ann E. Baxter shall pay into the General Land Office fifty cents per acre for said 156 acres of land, with other fees, within the period required by the above recited act.

Sec. 2. Be it further enacted, That Mrs. Martha Tramel be, and she is hereby entitled to the same amount of land in the county of Angelina, by complying with the provisions of the above entitled act.

Sec. 3. That this act be in force from and after its passage.

Approved January 11, 1862.

CHAPTER XCVII.

An Act to incorporate the Texas Lead Mine Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That Irby Morgan, John P. White, Jesse Arledge and Geo. W. White, and their associates and successors, are hereby created and declared a body corporate and politic, by the name and style of the "Texas Lead Mine Company," and by that name they their associates, and successors shall be capable of suing and being sued, plead and be impleaded, in all the courts of this State, and shall be capable in law of contracting and being contracted with, and acquiring by purchase, donation or otherwise, property, real, personal and mixed, holding and conveying the same as the said corporation may think proper.

Sec. 2. That the State of Texas doth hereby relinquish to the said Corporation all the right, title and claim which the said State of Texas has in and to all minerals that may be found on any patented land which said Company may select and purchase for the manufacture of lead, provided the amount does not exceed twelve hundred and eighty acres, and provided further, that the manufacture of lead by said Company shall be commenced within twelve months from the passage of this act.

Sec. 3. That the charter of said Company shall remain in force for twenty years, and that this act be in force from and after its passage.

Approved January 11, 1862.

CHAPTER XCVIII.

An Act for the relief of James L. Foster.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized to issue a duplicate unconditional land certificate of 640 acres to James L. Foster, by virtue of his conditional land certificate No. 236, for 640 acres now on file in the General Land Office.

Sec. 2. That this act take effect from its passage.

Approved January 11, 1862.

CHAPTER XCIX.

An Act for the relief of Jarman Carter.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby required to issue a patent to Jarman Carter for his pre-emption claim for 320 acres of land upon a return of the field notes, or a certified copy thereof from the books of the county surveyor of Fannin county, with due proof of his having complied with all the laws under which said pre-emption was taken, and the payment to the General Land Office of the sum of twenty dollars and the usual patent fees, and provided further, that upon examination said claim shall be found to be free of conflict.

Sec. 2. This act shall not be construed to interfere with vested rights.

Sec. 3. This act be in force from and after its passage.

Approved January 11, 1862.

CHAPTER C.

An Act for the relief of Wm. B. Green.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to Wm. B. Green, of Bastrop county, a certificate for thirty-three hundred and twenty-five acres of land, which certificate when issued shall be located, surveyed and patented as other first class certificates, provided that no such certificate has heretofore issued to the said Green.

Sec. 2. That this act take effect from its passage.

Approved January 11, 1862.

CHAPTER CI.

An Act to amend an act entitled "An Act to ascertain and adjudicate certain legal claims for land against the State, situated between the Nueces and Rio Grande rivers," approved February 11th, 1860.

Section 1. Be it enacted by the Legislature of the State of Texas, That the eleventh section of the above recited act shall read as follows, viz: This act shall continue in force until the 11th day of February, A. D., 1865, and no longer.

Sec. 2. This act shall be in force from and after its passage.

Approved January 11, 1862.

CHAPTER CII.

An Act to legalize the acts of Alexander Birdsong, Notary Public in and for Panola county.

Section 1. Be it enacted by the Legislature of the State of Texas, That all the official acts of Alexander Birdsong, as Notary Public in and for the county of Panola be, and the same are hereby legalized and made of full force and validity.

Sec. 2. That this act be in force and take effect from and after its passage.

Approved January 11, 1862.

CHAPTER CIII.

An Act supplementary to an "An Act to consolidate in one act and to amend the several acts incorporating the city of Houston, in Harris county," approved January 8th, 1862.

Section 1. Be it enacted by the Legislature of the State of Texas, That the 21st section of the said act shall read as follows: That the Mayor and Recorder are hereby vested with all the powers and jurisdiction, civil and criminal, within the limits of said corporation which may by law be exercised by Justices of the Peace under the laws of this State, and in prosecutions, trials and proceedings had before them under this act, and the by-laws and ordinances of said corporation, they shall be governed by the laws regulating the proceedings in Justices Courts in force at the time, and shall be entitled to the same fees that Justices of the Peace are then allowed for similar service.

Sec. 2. That the 23d section of the said act shall read as follows: That it shall be the duty of the Mayor and Council to cause the Secretary and Treasurer of the said corporation to publish on the first Monday of January in each year an accurate, detailed and just statement of the treasury, of the receipts and expenditures, and condition of the Terasury of said body politic, and publish the same in at least one of the gazettes printed in Houston: the said statement, before it is printed, shall be carried by the Treasurer aforesaid before some Judge or Justice of the Peace, before whom he shall testify on oath that the same is a faithful and correct statement.

Sec. 3. That this act shall take effect and be in force from and after the first day of February, 1862.

Approved January 11, 1862.

CHAPTER CIV.

An Act for the relief of John Henderson.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby required to issue to John Henderson, of San Patricio county, a headright certificate for twelve hundred and eighty (1280) acres of land, to be located upon any vacant public land in like manner as other land certificates, provided the said John Henderson has never received any land by virtue of his emigration to the Republic of Texas.

Sec. 2. That this act be in force from and after its passage.

Approved January 14, 1862.

CHAPTER CV.

An Act to authorize the Superintendent to receive Minerva J. Fannin into the Lunatic Asylum, and to contract with her guardian for her support and maintenance.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Superintendent of the Lunatic Asylum be, and he is hereby authorized and required to contract with Thos. F. McKinney, as guardian of Minerva J. Fannin, to receive and care for her in said Asylum, during the term of her natural life, provided that said McKinney shall provide and secure to said Asylum an annuity fully sufficient, in the judgment of the Superintendent, to support and maintain said Minerva in said Asylum during her life free from charge to the State.

Sec. 2. That said McKinney be authorized to transfer to said Asylum any part of the estate of said Minerva, descended to her from her parents, which may be necessary to secure such sum as is requisite to her support and maintenance in said Asylum.

Sec. 3. That this act take effect and be in force from and after its passage.

Approved January 14, 1862.

CHAPTER CVI.

An Act for the relief of Dillard Cooper.

Whereas, Dillard Cooper was one among the fortunate few who escaped death from the Mexicans at Fannin's massacre at Goliad, in the revolution of 1836, and he was among the gallant defenders of Texas in her early revolutionary struggle, and whereas, he is now old, infirm, deceased and destitute of the means of subsistence, therefore,

Section 1. Be it enacted by the Legislature of the State of Texas, That said Dillard Cooper be allowed the sum of two hundred dollars annually to be paid in treasury warrants, one-half of said amount to be paid on the first day of February and the other half on the first day of August in each year, and that the Comptroller is hereby authorized to draw his draft for said amount on the Treasury, payable on the days above specified and each and every year during the natural life of said Cooper.

Approved January 13, 1862.

CHAPTER CVII.

An Act to authorize John C. Crawford to use the water of the Leona river for purposes of irrigation.

Section 1. Be it enacted by the Legislature of the State of Texas, That John C. Crawford be, and he is hereby authorized to take from the Leona river, in or near the vicinity of the Montezuma Mills, in the county of Uvalde, so much water as he may need for the purpose of irrigation, and the same to conduct by any necessary ditch or ditches to such lands as he may wish to cultivate, and to make and construct such dam or dams in and across said river and such ditches, water-gates and other works as may be necessary for such purposes of irrigation.

Sec. 2. The said Crawford shall have a right of way and privilege of using the soil to make, construct and keep in order the said dams, ditches, water-gates and other works from and including the point where it may be necessary to take the water from said river to the point or points where the said ditch or ditches may terminate; provided that if it be necessary to construct such dams, ditches, water-gates and other works, or if any of them, upon or over the land of any other person or persons who may not have consented thereto, then the said Crawford shall pay to said person or persons for such right of way and privilege, such damages as may be awarded to him, her or them by the County Court of said county of Uvalde, within one year after the construction of such works upon his, her or their lands.

Sec. 3. That this act take effect from its passage.

Approved January 14, 1862.

CHAPTER CVIII.

An Act for the relief of Gregorie Simon.

Section 1. Be it enacted by the Legislature of the State of Texas, That the certificate No. 105, for three hundred and twenty acres of land, issued by the Commissioner of Castro's Colony, on the 24th of August, A. D., 1854, to the heirs of Gregorie Simon be, and the same is hereby canceled, and upon the return of the said certificate to the proper office, the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to the said Simon a certificate for three hundred and twenty acres of land, said certificate to be located surveyed and patented as other certificates of like character.

Sec. 2. That this act take effect from and after its passage.

Approved January 13, 1862.

CHAPTER CIX.

An Act to authorize the County Court of Montague county to have the records of the District Court of said county transcribed.

Section 1. Be it enacted by the Legislature of the State of Texas, That the County Court of the county of Montague be, and they are hereby authorized to have all the records of the District Court of said county transcribed in well bound books, to be procured by them for that purpose; and be it further enacted that said records, when so transcribed, shall be of the same force and effect as if it had been made in said books originally.

Sec. 2. This act shall take effect from the date of its passage.

Approved January 13, 1862.

CHAPTER CX.

An Act for the relief of Philander Priestly.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby required to issue to Philander Priestly an augmentation certificate for three hundred and sixty-nine acres of land, to be surveyed and patented on any unappropriated public domain, and that this act take effect and be in force from and after its passage.

Approved January 13, 1862.

CHAPTER CXI.

An Act to amend "An Act to incorporate the city of Austin," approved February 9th, 1856.

Section 1. Be it enacted by the Legislature of the State of Texas, That the 7th section of said act be so amended as to read as follows, to wit: Section 7th. That the Mayor and City Council shall have power within the city by ordinance,

1st. To levy and collect taxes not exceeding one-twelfth of one per centum upon all property made taxable by law for State and county purposes.

2d. To borrow money on the credit of the city, provided the debt of the city from money so borrowed shall not exceed \$5,000.

3d. To appropriate money and provide for the payment of the debt and expenses of the city.

4th. To make regulations to prevent the introduction of contagious diseases into the city.

5th. To establish hospitals, and make regulations for the government thereof.

6th. To make regulations to secure the general health of the inhabitants and to prevent and remove nuisances.

7th. To provide the city with water and to erect hydrants, fire-plugs and pumps in the streets, within or beyond the limits of the city, for the convenience of the inhabitants of the city and environs.

8th. To open, alter, abolish, widen, extend, establish, grade, pave or otherwise improve, clean and keep in repair streets, lanes, avenues or alleys.

9th. To establish and keep in repair bridges, culverts and sewers, and regulate the use of the same; to establish, alter and change the channel of water courses and to wall them up and cover them over.

10th. To provide for the lighting of the streets and erecting lamps thereon.

11th. To establish, support and regulate night watch and patrols.

12th. To erect market houses, establish markets and market places, and to provide for the government and regulation thereof.

13th. To provide for the erection of all needful buildings for the use of the city.

14th. To provide for the enclosing, improving and regulating of all public grounds belonging to the city.

15th. To license, tax and regulate auctions, grocers, merchants, retailers and taverns, and to license, tax, regulate and suppress, by ordinances, hawkers, peddlers, brokers, pawn-brokers, money-changers and bakeries.

16th. To license, tax and regulate hackney carriages, omnibusses, wagons, carts and drays, and fix the rates to be charged for carriage of persons and of wagonage, cartage and drayage of property.

17th. To license and regulate porters and fix the rate of portorage.

18th. To license, tax and regulate and suppress theatrical and other exhibitions, shows and amusements.

19th. To license, tax, regulate billiard tables, tippling houses, and dram shops, and to suppress gaming and gambling houses and other disorderly houses, and to suppress bawdy houses.

20th. To provide for the prevention and extinguishment of fires, and organize and establish fire companies; also to regulate, restrain and prohibit the erection of wooden buildings in any part of the city; to regulate and prevent the carrying on of manufactories dangerous in causing or producing fires; to appoint fire wardens and property guards, with power to remove and keep away from the vicinity of any fire all idle or suspicious persons lurking near the same, and to compel any person or persons present to aid in extinguishing such fire, or in the preservation of property exposed to the danger of the same, and in preventing goods from being purloined thereat, and with such other powers and duties as may be prescribed by ordinance to compel the owners of houses and other buildings to have scuttles upon the roof of any such houses and buildings, and stairs and ladders leading to the same.

21st. To regulate and order the cleaning of chimnies and to fix the fees thereof.

22d. To regulate the storage of gunpowder, tar, pitch, rosin, hemp, cotton and all other combustible materials, and the use of lights and candles in all stables, shops and other places; to remove and prevent the construction of any fire-place, hearth, chimney, stoves, ovens, boilers, kettles or apparatus used

in any houses, building, manufactory or business which may be dangerous in causing or promoting fires; to direct the safe construction of deposits for ashes, and severally to enter into, or appoint one or more officers at reasonable times, to enter into and examine all dwelling houses, lots, yards, enclosures, buildings of every description, in order to discover if any of them are in a dangerous state, and to cause such as may be dangerous to be put in safe and secure condition.

23d. To regulate and prescribe the manner and order the building of partition and of parapet walls and of partition fences.

24th. To establish standard weights and measures, and to regulate the weights and measures to be used in the city in all cases not otherwise provided by law.

25th. To provide for the inspection and measuring of lumber and other building material.

26th. To provide for the inspection and weighing of hay, the measuring of charcoal, firewood and all other fuel to be used in the city.

27th. To regulate the inspection of butter, lard and other provisions; to regulate the vending of meat, poultry and vegetables, to restrain and punish the forestalling of poultry, butter, eggs and fruit, and to suppress hucksters.

28th. To regulate the weight, quality and price of bread to be sold and used in the city.

29th. To regulate the size of brick made and sold in the city.

30th. To provide for the taking of an enumeration of the inhabitants of the city.

31st. To provide for the removal from office any person holding an office created by this act, or by ordinance, not otherwise provided for.

32d. To provide for the appointment of all officers, servants and agents of the corporation, not otherwise provided for.

33d. To fix the compensation of city officers not otherwise provided for, and regulate the fees of all jurors, witnesses and others for services rendered under this act or any ordinance.

34th. To regulate the police of the city, to impose fines, forfeitures and penalties for the breach of any ordinance, and provide for the recovery and appropriating such fines and forfeitures and the enforcement of such penalties, provided that no fine shall exceed \$100, and imprisonment not exceeding fifteen days for any one offence.

35th. To erect a work-house and house of correction, and provide for the regulation and government thereof.

36th. To regulate and license all ferries within the limits of the city.

37th. To levy and collect a poll tax not exceeding fifty cents upon every free white male person over 21 years of age, who shall have resided six months within the city.

38th. To remove all obstructions from the sidewalks and to provide for the construction and repair of all sidewalks and curbstones, and for the cleaning of the same, and the gutters, at the expense of the owner of the ground fronting thereon.

39th. To prevent and restrain any riot, rout, noise disturbance or disorderly assemblage in any street, house or place in the city.

40th. To prevent and remove all encroachments in and upon all streets, lanes, avenues and alleys established by law or ordinance.

41st. To exercise complete and perfect control over the common and all the property belonging to the city, real and personal, whether lying within or beyond the limits of the corporation created by this act, and the same to lease, sell, transfer and dispose of, either absolute by or with limitation, to any person or persons whatsoever, and generally to make such rules, regulations,

by-laws and ordinances for the purpose of maintaining the peace, good government and order of the city of Austin, and the trade, commerce and manufacture thereof as the City Council may deem expedient, not repugnant to the laws and constitution of this State, and also to enforce the observance thereof by inflicting penalties upon any inhabitant thereof, or other person or persons for the violation of any ordinance not exceeding one hundred dollars for any offence, recoverable with costs in any action of debt, by and in the name of the city of Austin for the use of the city, before any court having cognizance of the same.

Sec. 2. Be it further enacted that the 9th section of said act be so amended as to read as follows:

The chief executive officer of the city shall be the Mayor, who shall be elected annually by the qualified electors of the city, who shall hold the office for one year; whose salary shall be fixed by the Aldermen of the city, but which shall not in any event exceed the sum of two hundred and fifty dollars and fees of office.

No person shall be Mayor who, at the time of his election, is not possessed of the qualifications required from an Alderman, or who holds any lucrative office under authority of the Confederate States.

When two or more persons shall have an equal number of votes for the office of Mayor, the City Council shall order a new election. Whenever an election for Mayor shall be contested, the City Council shall determine the same by vote.

Whenever any vacancy shall happen in the office of Mayor, it shall be filled by election in such manner as shall be provided for by ordinance. The Mayor may be removed from office for any misdemeanor, by a majority of two-thirds of the City Council.

The Mayor shall have power to nominate, and by and through the consent of the Board of Aldermen, to appoint all city officers, not ordered by this act to be otherwise appointed: he shall take care that the laws of the State, and the ordinances of the city are duly enforced, respected and observed within the city; he may remit fines, forfeitures and penalties, accruing from or imposed for the violation of any ordinance of the city; he may fill all vacancies which may occur in any elective office other than that of Alderman until the same be filled by election, and in any other office until the end of the session of the Board of Aldermen, which shall not happen after the vacancy shall have accrued: he shall, from time to time, give to the City Council information relative to the state of the city, and shall recommend to their consideration such measures as he shall deem expedient for the advantage of the city.

The Mayor may call special sessions of the City Council by notice served on them. Whenever a special session of the City Council shall have been called by the Mayor, he shall state to them, when assembled, the cause for which they have been convened.

Approved January 13, 1862.

CHAPTER CXII.

An Act for the relief of Elias Cassels.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Comptroller issue to Elias Cassels, as assignee, a duplicate of a warrant on the Treasury, numbered forty-two, issued in favor of Jack Waterhouse, for forty-three dollars and eighty-three cents, on condition that said Cassels

file a bond, with good security, in double the amount of said warrant with said Comptroller, conditioned that he will indemnify the State in case the first warrant shall be paid.

Sec. 2. This act shall be in force from and after its passage.

Approved January 14, 1862.

CHAPTER CXIII.

An Act for the relief of certain persons hereinafter named.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be authorized and required to issue land certificates to the following named persons for the respective quantities of land hereinafter named to wit: To John R. Cannon for 320 acres, headright; to the heirs of John W. Glenn, for 320 acres, headright; to P. W. Birmingham, for 320 acres, bounty; to Samuel Smith, for 320 acres, bounty; to J. B. Shade, for 320 acres, bounty; to the heirs of Joseph Shepherd, for 320 acres, bounty, and for 640 acres donation land; and a duplicate donation warrant for 640 acres of land to H. H. Edwards, in lieu of donation warrant No. 1192, for 640 acres, issued on the 8th day of January, 1842, by George W. Hockley, Secretary of War of the late Republic of Texas.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved January 13, 1862.

CHAPTER CXIV.

An Act for the relief of Levi T. Lawler.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Comptroller and Commissioner of Claims of the State of Texas be, and are hereby required to audit the amount of sixty-seven dollars and fifty cents, the amount due Levi T. Lawler for services rendered by him in the army of the Republic of Texas in the year 1842, on the Somerville expedition.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved January 13, 1862.

CHAPTER CXV.

An Act to incorporate the Fort Bend Manufacturing Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That James S. Sullivan, William Saunders and C. W. Buckley, and their associates and successors be, and they are hereby created a body corporate and politic by the name of the "Fort Bend Manufacturing Company," and by that name may sue and be sued, plead and be impleaded, contract and be contracted with, as a natural person in law, and may have a seal which may be altered, changed or broken at pleasure, and the stockholders of said Company may make all by-laws they may deem necessary for the government of the affairs thereof, not inconsistent with the Constitution and laws of this State.

Sec. 2. Said Company shall have the power to erect and maintain, in the county of Fort Bend, all buildings, machinery, &c., necessary for the manufacture of all fabrics made in whole or in part of wool, cotton, silk, hemp or

fiax, and also articles made of wood, iron, steel, or other metal, or material intended for the use and consumption of the people of Texas or elsewhere.

Sec. 3. The capital stock of said Company shall not exceed two hundred thousand dollars, to be divided into shares of one hundred dollars each, and each share shall entitle the holder to one vote for Directors or on any other question submitted to the stockholders, and the management of the affairs of said Company shall be conducted by a President and Board of Directors of not less than three nor more than five, to be elected by the stockholders, whose term of office shall be one year, and each of whom shall be the owner of not less than ten shares of the stock of said Company.

Approved January 13, 1862.

JOINT RESOLUTIONS.

CHAPTER I.

JOINT RESOLUTION.

Whereas, Mrs. Price, the wife of Gen. Sterling Price, of Missouri, having sought safety in Texas, from the horrors of the war now raging in Missouri, therefore,

Resolved by the Legislature of the State of Texas, That the people of Texas, through their representatives, welcome Mrs. Price to their State and tender to her the hospitalities of the same as a token of respect to her and admiration for her gallant husband, for the brilliant victories he has achieved at the head of the army of Missouri, in the defence of the southern cause, and that the Governor be requested to furnish Mrs. Price with a copy of this resolution.

Approved November 27, 1861.

CHAPTER II.

JOINT RESOLUTION.

Whereas, Mrs. David Bouldin, wife of Capt. David Bouldin of Missouri, having fled the State of Missouri to our State, for safety from the abolition Hessians of the North, and whereas she being the lady who carried the news of the position and design of the Federal troops, when about to attack Gen. Price, and whereas we believe it was a patriotic desire and love for the prosperity of our cause that prompted the noble act, and whereas if it had not been for the timely interference of the said Mrs. Bouldin in our behalf the result of the battle at Springfield might have been disastrous, therefore,

Be it resolved by the Legislature of the State of Texas, That we, the representatives of the people of Texas, hereby tender to Mrs. Bouldin our sincere thanks for the patriotic part she acted for the furtherance of our cause in Missouri, and welcome her to the State of Texas, and tender her the hospitalities of the same.

Resolved 2d. That the Governor furnish Mrs. Bouldin with a copy of this preamble and resolution.

Approved December 20, 1861.

CHAPTER III.

Joint Resolution concerning Col. John S. Ford and his late command on the Rio Grande.

Section 1. Be it resolved by the Legislature of the State of Texas, That in the opinion of this body Col. John S. Ford has entitled himself to the thanks of the people of Texas, for the skill, prudence and moderation with which he has executed the important, arduous and embarrassing duties that devolved upon him as late commander of the forces of the State of Texas on the Rio Grande frontier, at a most trying period in our history as a State, and furthermore that the officers and men of his late command in the State service, by their gallant and soldierly bearing and patience under the many trying circumstances surrounding them, have entitled themselves to the thanks of the people of the State.

Sec. 2. That as an evidence of our approval of the conduct of Col. John S. Ford as such commander, the Governor be requested to furnish him a copy of these resolutions.

Approved January 6, 1862.

CHAPTER IV.

Joint Resolution requiring the Comptroller to receive and audit the claims accruing for three months' service of Capt. Jno. W. Sansom's company of "Kerr County Mounted Volunteers," on the frontier.

Be it resolved by the Legislature of the State of Texas, That the Comptroller of Public Accounts be, and he is hereby instructed to receive and audit as a valid debt, the claims accruing for three months' frontier service of Captain Jno. W. Sansom's company of "Kerr County Mounted Volunteers," composed of thirty-six men, rank and file; said service commencing August 31st, 1859, as per muster roll and papers filed in the Adjutant General's office.

Passed January 13, 1862.

CHAPTER V.

Joint Resolution requiring the Comptroller to pay to Nat M. Burford the balance due him for his salary.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Comptroller be, and he is hereby directed to audit and draw his warrant on the Treasurer for the claim of Nat M. Burford, Judge of the 16th Judicial District, for the balance due him on his salary, notwithstanding the notice of his failing to hold his Courts.

Sec. 2. Be it further enacted, That this act take effect and be in force from and after its passage.

Approved January 9, 1862.

CHAPTER VI.

Joint Resolution commendatory of the conduct of Lieut. Colonel John R. Baylor and the officers and men under him.

Section 1. Be it resolved by the Legislature of the State of Texas, That Lieut. Col. John R. Baylor is entitled to the praise and commendation of this Legislature for his gallant and patriotic course in assuming the responsibility and taking possession of the territory of Arizona, with all the forts, cannon

and seven hundred armed Federalists, and that his officers and men are entitled to equal commendation for their gallantry in sustaining him.

Sec. 2. That the Governor be requested to furnish Lieut. Col. Baylor with a copy of this resolution.

Approved January 11, 1862.

CHAPTER VII.

JOINT RESOLUTION.

Whereas, The State of Louisiana having caused to be placed in order, and delivered to the State of Texas, the two guns known in the history of Texas as the "Twin Sisters," as a token of friendship towards this State, and desiring to return our acknowledgment of such a gift, and to express our friendship and kind feelings towards our sister State:

Section 1. Be it resolved by the Legislature of the State of Texas, That we receive the valuable and useful gift to Texas, and acknowledge our obligations to our sister State for the friendship and generosity so manifested by the donation of the guns that are so famous in the history of Texas.

Sec. 2. Be it further resolved, That we assure our sister State that it is our desire to cultivate and perpetuate the friendly relations that now exist between this State and the State of Louisiana, and should an occasion occur in which it will become necessary for Texas to use the "Twin Sisters," in defence of the right of Louisiana, Texas, or any other State in the Confederacy, and to repel the invasion of a despot, the sons of Texas will be found ready to man them, and to remain by them until the invaders of our common country shall be driven from our soil.

Sec. 3. Be it further resolved, That the Governor of the State of Texas be, and he is hereby requested to cause a copy of these resolutions to be transmitted to the Governor of the State of Louisiana.

Approved January 13, 1862.

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THE STATE OF TEXAS. }

DEPARTMENT OF STATE. }

I, R. J. Townes, Secretary of State of the State of Texas, do certify that I have compared the foregoing Laws and Joint Resolutions of the Ninth Legislature, with the originals now on file in the Department of State, and that they are true copies of such originals.

I further certify that the Ninth Legislature of the State of Texas assembled on Monday the fourth day of November, A. D., 1861, and adjourned on the 14th day of January, A. D., 1862.

In testimony whereof, I have hereunto signed my name and caused
[SEAL.] the seal of the Department of State to be affixed, at Austin, this 1st day of September, A. D., 1863.

R. J. TOWNES.
Secretary of State.

GENERAL LAWS
OF THE
EXTRA SESSION
OF
THE NINTH LEGISLATURE
OF
THE STATE OF TEXAS

PUBLISHED BY AUTHORITY

AUSTIN
1863

GENERAL LAWS.

CHAPTER I.

An Act to authorize the Supreme Court of the State, for the Galveston District, to hold its Spring term at the city of Austin.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Supreme Court of the State, for the Galveston District, is hereby authorized to hold its Spring term, for the year 1863, at the city of Austin.

Sec. 2. That the Judges of said Court are hereby authorized to have the records and papers appertaining to the Supreme Court of said Galveston District removed to the city of Austin, to be kept separate and apart from the records and papers of the Austin District, and to be returned to the Galveston District upon the adjournment of said Court.

Sec. 3. That this act shall take effect and be in force from and after its passage.
Approved February 9th, 1863.

CHAPTER II.

An Act in relation to Judicial Proceedings in Counties in possession of, or endangered by the enemy.

Section 1. Be it enacted by the Legislature of the State of Texas, That during the continuance of the war between the Confederate States and the United States, should any enemy of the Confederate States take possession of any territory within any county of this State, or apparently threaten so to do, so as, in the judgment of the Chief Justice, or County Court of said county, or of the Judge of the District Court of the District in which such county is situated, to render it unsafe or improper, in view of the public interest, to hold the District or County Courts of such county at the court-house of the same, or to keep the records of such District Court, or of such county, at the court-house of the same, it shall be the duty of the Chief Justice, County Court or District Judge, to certify such facts upon the records of the County or District Court of such county, either in term time or vacation, or to publish the same in some public manner, which act may be done either within or without such county, as may be necessary or convenient to the Chief Justice, County Court or District Judge acting. And after such certificate may have been made, it shall be lawful for the Chief Justice, the County Court, the Clerk of the County Court, the Clerk of the District Court, and the Sheriff of such county, in the possession of, or endangered by the enemy, to keep their offices, and to discharge the duties of the same at any safe place within the limits of such county that may be indicated by the Chief Justice or

County Court of such county, or by the Judge of the District Court in which such county is situated; and the sessions of the District and County Courts of such county may be held at such indicated place until it may be safe to keep said offices and hold said court at the regular places now established by law. But in case it shall, in the judgment of such District Judge, Chief Justice, or County Court, be unsafe to keep said offices and hold the sessions of said courts within the limits of such county, such facts shall be certified in the manner hereinbefore provided.

Sec. 2. In case said offices cannot be kept, and courts held, as provided in the foregoing section, it shall be lawful for any person or persons, corporation or association, having any right of action which, under the laws in force at the time, could be sued upon, and which it would be necessary under existing laws to bring suits upon in the District Court of such county occupied or endangered by the enemy, to commence suit thereon in the District Court of any county in which any defendant in such suit may be found, or of the county not in like manner occupied or endangered by the enemy, the court-house of which is nearest to the court-house of the county in which such suits would, but for the provisions of this act, be required to be commenced; and all process issued in such causes, necessary or proper to be executed in such county occupied or endangered by the enemy, may be executed and returned by the Sheriff of the county in which the cause is pending, or by the Sheriff of the county in which the process is to be executed, or by any lawful deputy of either of such Sheriffs. And, in like case, the estates of deceased persons which, under existing laws, would be required to be opened in such occupied or endangered county, may be opened in the County Court of the county not in like manner occupied or endangered by the enemy, the court-house of which is nearest to the court-house of the county in which such estate would, but for the provisions of this act, be required to be opened; and administrators and executors may be appointed, wills probated, and such estates administered upon in the county where they may be opened. In like case, all persons who have violated any criminal law of the State, or shall hereafter do so, for which, under existing laws, they would be liable to be tried in any such county occupied or endangered by the enemy, shall be liable to be proceeded against and tried in the District Court of the county not in like manner occupied or endangered by the enemy, the court-house of which is nearest to the court-house of the county in which the crimes for which the party is to be tried may be charged to have been committed.

Sec. 3. Immediately upon the termination of the war between the Confederate States and the United States, all civil and criminal causes and all administrations and proceedings in relation to the estates of deceased persons which may have been commenced and may then be pending and undetermined in any county in which such cause or proceeding could not have been commenced but for the provisions of this act, shall be transferred, unless the parties to the record in such causes shall otherwise agree, in writing, to the proper court of the county in which such cause or proceeding would have been required to have been commenced but for the passage of this act, and like proceedings shall there be had therein as though such cause or proceedings had originally been commenced in such court; and, for the purpose of making such transfer, the clerk of the court in which such cause or proceeding may be pending, shall make out and certify, under the seal of the court, a correct transcript of all the proceedings had in such cause in such court, and transmit the same, together with all of the original papers in the cause, to the proper court.

Sec. 4. This act is not intended to be construed to repeal any laws now in force, but to be an addition thereto; and so far as it may conflict with the provisions of any existing law, such provisions shall so far as relates to the matters herein provided for, be suspended during the time this act shall be in force; and this act shall take effect from its passage, and shall be in force during the continuance of the war between the Confederate States and the United States, and no longer.

Approved February 25th, 1863.

CHAPTER III.

An Act to prescribe the residences of County Surveyors.

Section 1. Be it enacted by the Legislature of the State of Texas, That the County Surveyors of the several counties of this State shall reside within their respective counties, and keep their offices at the county seats thereof; and in all cases where the County Surveyors do not reside at the county seats of their respective counties, they shall, and are hereby required to have deputies in their respective offices residing at said county seats, who shall keep their offices open, and the records thereof subject to the examination of any person interested therein.

Sec. 2. That all laws so far as they conflict with the provisions of this act, be and the same are hereby repealed, and that this act take effect from and after its passage.

Approved February 25th, 1863.

CHAPTER IV.

An Act to amend the nineteenth, twentieth and forty-seventh sections of An Act entitled "An Act to regulate proceedings in the County Courts, pertaining to estates of deceased persons," approved March 20th, A. D., 1848.

Section 1. Be it enacted by the Legislature of the State of Texas, That section nineteen of the act recited in the caption hereof, shall hereafter read as follows: Before the issuance of letters testamentary, or of administration with the will annexed, the person named executor, or appointed administrator with the will annexed, shall, before the Clerk or Chief Justice of any County Court in this State, or before any Justice of the Peace in the county where the application for such letters is made, take and subscribe an oath, in form as follows: I do solemnly swear that the writing which has been offered for probate is the last will of ——— so far as I know or believe; and that I will well and truly perform all the duties of executor of said will, or of administrator with the will annexed, of the estate of the said ——— (as the case may be.)

Sec. 2. That section twenty of said act shall hereafter read as follows: Before the issuance of letters of administration, the person appointed administrator shall, before the Clerk, or Chief Justice of any county in the State, or before any Justice of the Peace in the county where application for such letters is made, take and subscribe an oath, in form, as follows: I do solemnly swear that ——— deceased, died without leaving any lawful will, so far as I know or believe, and that I will well and truly perform all the duties of administrator of the estate of said ———.

Sec. 3. That section forty-seven of said act shall hereafter read as follows: That every claim for money against a testator, or intestate, shall be presented to the executor or administrator within twelve months after the

original grant of letters testamentary, or of administration, or the payment thereof shall be postponed until the claims which have been presented within said twelve months, and allowed by the executor or administrator, and approved by the Chief Justice, or established by suit, shall have been first entirely paid: Provided, however, That if the executor or administrator be absent from the State any time during the said twelve months, the time of such absence shall not be computed against the holder of such claim, nor taken as a part of the time limited by this action.

Sec. 4. That this act shall take effect from and after its passage.

Approved February 25th, 1863.

CHAPTER V.

An Act to suspend the operations of the Stray Laws for and during the existence of the present war, and for six months after its termination, except in certain cases.

Section 1. Be it enacted by the Legislature of the State of Texas, That from and after the passage of this act, all laws and parts of laws providing for the estraying of stock and prescribing the course of proceedings in the same, and of selling stock heretofore estrayed, shall be, in all things, suspended for and during the existence of the present war, and until six months after peace shall be concluded, with the exceptions hereinafter mentioned.

Sec. 2. That any person may have the right, under the regulations now in force for estraying stock, to stray any vicious animal or breachy stock that is likely to injure the stock in the range or the property of any person, and any person desiring to stray any such stock shall, in addition to the conditions heretofore prescribed, prove by two credible witnesses, by an affidavit in writing, to be filed with the papers in the County Clerk's office, that the property estrayed is vicious, breachy, or so unruly as to be dangerous and unfit to run at large.

Sec. 3. That this act take effect and be in force forty days after its passage.

Approved February 25th, 1863.

CHAPTER VI.

An Act to suspend all Statutes of Limitations on civil rights of action of every kind, whether real or personal, until one year after the close of the war between the Confederate States and the United States.

Section 1. Be it enacted by the Legislature of the State of Texas, That all statutes of limitations on all civil rights of action of every kind, whether real or personal, are hereby suspended until one year after the close of the war between the Confederate States and the United States:

Provided, That the limitation upon all rights of action for injuries done to the person of another, as of assault and battery, wounding, or imprisonment and for injuries done the character or reputation of another, as of libel or slander, shall not be suspended by the provisions of this act.

Sec. 2. This act shall be in force from and after its passage.

Approved February 26th, 1863.

CHAPTER VII.

An Act to attach the county of Kendall to the Fourth Judicial District, and to amend an Act entitled an "Act to attach the county of Blanco to the Fourth, Judicial District, and to amend an Act entitled an Act to provide for the time of holding the courts of the several counties in the Fourth Judicial District, approved 2d February, 1858."

Section 1. Be it enacted by the Legislature of the State of Texas, That the county of Kendall be, and is hereby attached to the Fourth Judicial District, and that the first section of the above recited act be so amended as to read as follows: That the county of Blanco be, and hereby is attached to the Fourth Judicial District.

The District Courts of the several counties of the said District shall be held as follows, viz: Beginning in the county of Bexar on the first Mondays of March and September, and may continue in session seven weeks.

In the county of Comal on the eighth Mondays after the first Mondays of March and September, and may continue in session one week.

In the county of Blanco on the ninth Mondays after the first Mondays in March and September, and may continue in session one week.

In the county of Gillespie on the tenth Mondays after the first Mondays in March and September, and may continue in session two weeks.

In the county of Kerr on the twelfth Mondays after the first Mondays of March and September, and may continue in session one week.

And in the county of Kendall on the thirteenth Mondays after the first Mondays in March and September, and continue in session until the business or the term is disposed of.

Sec. 2. That all writs, bonds, recognizances and process of all kinds that have been or may be issued, taken, and made returnable to the times heretofore appointed for the terms of said courts, shall be considered and taken as made for the times herein provided for said courts.

Sec. 3. That all laws or parts of laws in conflict with the provisions of this act be, and are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved March 2d, 1863.

CHAPTER VIII.

An Act making an appropriation to defray the contingent expenses of the Extra Session of the Ninth Legislature.

Section 1. Be it enacted by the Legislature of the State of Texas. That the sum of six thousand dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated to pay the contingent expenses of the Extra Session of the Ninth Legislature.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved March 2d, 1863.

CHAPTER IX.

An Act making an appropriation for the mileage and per diem pay of the members and the per diem pay of the Officers of the Extra Session of the Ninth Legislature of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of forty thousand dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the treasury not

otherwise appropriated, for the mileage and per diem pay of the members and the per diem pay of the officers of the Extra Session of the Ninth Legislature of the State of Texas.

Sec. 2. That the certificate of the Secretary of the Senate and the certificate of the Chief Clerk of the House shall be sufficient evidence to the Comptroller, upon which he shall audit the claims and draw his warrants upon the Treasurer for the respective amounts.

Sec. 3. That in case there be no funds in the treasury, the Comptroller shall draw his warrants upon the Treasurer; one-tenth of each claim may be issued, if the claimant desires it, in one dollar warrants. For the other nine-tenths of the claim no warrant shall be drawn of a less denomination than five dollars.

Sec. 4. That this act take effect from and after its passage.

Approved March 3d, 1863.

CHAPTER X.

An Act to procure specie to enable the people to pay the Specie Tax.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Military Board be, and they are hereby authorized to procure an amount of specie equal to four cents on each one hundred dollars of the assessment of the State taxes for the year A. D. 1862, and the like amount upon the amount of assessments thereafter, and place the same in the treasury of the State, to the credit and interest of the sinking fund created, and provided for under "an act authorizing a loan and imposing a specific tax to meet the principal and interest thereof, under the provisions of the 33d section of the 7th article of the Constitution of the State," approved April 8th, 1861, and that the same be appropriated to no other use or purpose whatever.

Sec. 2. That to enable the Military Board to do and perform the duties imposed on them by the first section of this act, they are hereby authorized, and, if necessary, required to employ some competent person or persons to purchase cotton and have the same transported to Mexico, or elsewhere, and sold for specie, and to bring the specie thus obtained to the treasury of the State, where it shall be deposited as provided in the 1st section of this act.

Sec. 3. It shall be the duty of the Assessor and Collector to receive from the taxpayers, instead of the specie taxes, like amounts of such other funds as may be receivable for ordinary taxes, giving receipts therefor, not in absolute payments, but to be exchanged for specie at the treasury so as to obtain therefor the necessary specie for complete payments; and it shall further be the duty of the Collector to forward the funds so received, and co-operate with the Comptroller in making said exchange.

Sec. 4. That the sum of one hundred and fifty thousand dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated to enable the Military Board to carry into effect the provisions of this bill, and they are hereby empowered to use, for the same purpose, any securities which they may have in their possession under appropriations heretofore made, and that this act be in force from and after its passage.

Approved March 3d, 1863.

CHAPTER XI.

An Act entitled an act authorizing judgments to be rendered in certain cases, requiring property levied upon by execution or sale under deeds of trust or mortgage, to bring nine-tenths of its appraised value.

Section 1. Be it enacted by the Legislature of the State of Texas, That in all suits now pending, or hereafter to be brought in any of the courts of this State for the collection of money, the defendant shall be allowed to plead and prove on the trial of the same, that he had tendered to plaintiff, or owner, or persons in possession of the claim sued on, or their agent, in bonds or notes of the Confederate States, or the State bonds of this State, the sum due on the same, and that the person to whom the tender was made had failed or refused to receive the same in full satisfaction of the debt sued on, and upon proof of the tender and refusal, the court, if satisfied there is any amount due, shall render a judgment for the amount really due; and shall further order, that no property shall be sold under any execution that may issue on said judgment, unless it shall bring nine-tenths of its appraised value, as hereinafter directed.

Sec. 2. On all executions issued upon judgments rendered as provided in the preceding section of this act, the defendant shall have the right to point out the property to be levied upon, and shall have a reasonable time for that purpose, after called upon by the officer for a levy; and after the Sheriff or other officer shall have made a levy under an execution, as aforesaid, the defendant in execution shall select one man, the Sheriff or officer making the levy another, and they two a third, to act as appraisers, who shall be sworn by the Sheriff or officer making the levy, who shall make their appraisement in writing, two, at least, of whom shall sign the same, which shall be delivered to the officer making the levy, and the property so levied upon and appraised shall, on the day of sale, bring nine-tenths of its appraised value, or there shall be no sale; and if there be no sale, the property shall be restored to the defendant in execution.

Sec. 3. Not more than one execution shall issue in each year, after the issuance of the first execution, upon judgments rendered as provided in the first section of this act, upon each of which like proceedings shall in all respects be had as is provided in the second section of this act; but in no case shall property be sold unless it shall bring nine-tenths of its appraised value.

Sec. 4. That in all cases where judgments have heretofore been rendered for money, in any of the courts of this State, and the same or any part thereof remain unpaid, and the defendants in the same has or shall tender to the plaintiff in such judgment, his agent or attorney, the full amount of the principal and interest due on the same, in bonds or treasury notes of the Confederate States, or bonds of this State, and the plaintiff in such judgment, his agent or attorney, has or shall refuse to receive the same in full satisfaction of such judgment, the defendant in such judgment shall have the right to file his petition in the court where such judgment was rendered, setting forth the facts, and cause the plaintiff in the judgment to be summoned as in other cases; and upon proof of the tender and refusal aforesaid, it shall be the duty of the court to enter a decree or judgment, directing the proceeding thereafter to be had on said judgment, to be in all things conducted as provided in the second and third sections of this act.

Sec. 5. In all sales authorized to be made by or under any deed of trust, or to satisfy any mortgage, and the amount due shall have been tendered as provided in the first section of this act, no sale shall be made except by appraisement and for nine-tenths of its appraised value, as provided in the second and third sections of this act: Provided, That in all cases under the provi-

sions of this act to entitle the defendant to the benefit of the same, he shall prove on the trial that the tender was within twelve months after the close of the present war between the Confederate States and the United States.

Sec. 6. This act take effect and be in force from and after its passage: Provided, That nothing in this act shall be so construed as repealing an act entitled "an act suspending all laws for the collection of debts and liabilities on bonds, promissory notes, bills of exchange and contracts for the payment of money, until the first day of January, 1864, or until six months after the close of the present war, should it terminate before the date named, or until otherwise provided by law, approved December 7th, 1861." But the same shall remain in full force and effect, notwithstanding the passage of this act.

Approved March 4th, 1863.

CHAPTER XII.

An Act to regulate the sale of Beef Cattle, and to require Butchers to keep and return lists of the cattle slaughtered by them, and to prevent the sale of calves for slaughter without branding.

Section 1. Be it enacted by the Legislature of the State of Texas, That every purchaser of beeves, for the purpose of slaughter for the Confederate armies within the county where purchased, or elsewhere, or for the purpose of exportation, or driving to market, out of the county where purchased, shall, before slaughtering as aforesaid, or exporting or driving the same out of the county where purchased, take from each and every person from whom he purchases any such beef or beeves, a bill of sale of the same, fully describing the marks and brand, or brands, (if more than one) of each animal, signed by the party selling; which bill, or bills of sale, shall be verified by the oath of the purchaser of such beeves, as genuine: and the said bill of sale and oath attached, shall be filed by the said purchaser with the Clerk of the County Court of the county in which said beeves were purchased, to be recorded in a book kept for that purpose, which shall be open to the inspection of the public: Provided, In case there shall not be any such clerk ready to receive and record such bill of sale and affidavit, the same shall be filed and recorded in like manner in some adjoining county; and such record, in the one county or the other, shall be made without any unreasonable delay, but the recording in such adjoining county shall not dispense with the filing and recording in the county first indicated whenever there shall be therein a County Clerk prepared for the business, with whom the bill of sale and affidavit shall be filed for record, without unreasonable delay, whereupon they shall be promptly recorded by said clerk.

Sec. 2. That any purchaser of beef or beeves, who shall fail to comply with the provisions of the first section of this act, shall be deemed guilty of an offence against the laws of this State, and shall be liable to indictment therefore, and, upon conviction, shall be fined in the sum of five hundred dollars, one hundred of which shall go to the informer, and the balance to be paid into the County Treasury, to be added to the jury fund.

Sec. 3. That certified copies of said bills of sales, duly attested by the clerk having charge of the same, under the seal of his office, shall be received in our courts as prima facie evidence against the vendor of any such beef or beeves in any civil suit or criminal action brought against him.

Sec. 4. Every person who shall butcher beef for the market of any town or village, shall keep lists of the marks and brands of all the cattle slaughtered by him, and stating from whom purchased, and, at least once in each month, shall return the same, verified by his oath, to the Clerk of the County Court,

who shall cause the same to be recorded in his office, and keep them subject to the inspection of the public, which oath may be taken before any person authorized by law to administer oaths; and the clerks shall be entitled to such fees as is provided by law for similar services.

Sec. 5. Should any butcher fail to render such list for any month, by the 15th day of the next succeeding month, he shall be deemed guilty of a misdemeanor, and, on conviction, shall be fined not less than fifty, or more than one hundred dollars for each offence, one half of which shall go to the informer, and the other to the jury fund, as above provided; and if he return a false list, shall be guilty of false swearing and liable to prosecution therefor, as in other cases.

Sec. 6. It is hereby declared a penal offence to sell calves for slaughter or shipment without branding them, and any person so offending, shall be subject to indictment, and a fine of ten dollars per head for every calf thus sold.

Approved March 4th, 1863.

CHAPTER XIII.

An Act to amend the first section of an Act entitled "An Act to amend the 1st and 11th sections of an Act to authorize the sale of the Public Domain, approved February 11th, 1858," approved January 1st, 1862—and to amend the second section of an Act entitled "An Act to authorize the sale of the Public Domain," approved February 11th, 1858.

Section 1. Be it enacted by the Legislature of the State of Texas, That the first section of the above recited act shall hereafter read as follows: That the Commissioner of the General Land Office is authorized to issue land scrip in certificates of not less than one hundred and sixty acres (except in the cases herein provided,) which certificates may be sold at the price of two dollars per acre, shall issue in the name of the purchaser, and may be located upon any vacant unappropriated public domain, not being set apart, held in reservation, or the location of which is prohibited by law.

Sec. 2. That the second section of the above recited act "to authorize the sale of the public domain," approved February 11th, 1858—shall hereafter read as follows:—Sec. 2.—That the alternate sections of the land surveyed and reserved to the State, under the provisions of the laws to encourage the construction of railroads by donations of land, and the act granting land to the Galveston and Brazos Navigation Company, and the islands heretofore reserved, and all other reserved sections, may be sold at five dollars per acre.

Sec. 3. This act shall take effect from and after its passage.

Approved March 4th, 1863.

CHAPTER XIV.

An Act appropriating two hundred thousand dollars, to be expended for the relief of the sick and wounded Soldiers' of the State of Texas, in the army of the Confederate States.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of two hundred thousand dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated as a Hospital Fund, which shall be administered, according to the provisions of an act, approved January 8th, 1862, entitled an act to create a Hospital Fund, to be expended for the benefit of the sick and wounded soldiers of the State of Texas, in the Confederate army.

Sec. 2. That any part of the appropriation made in this act, may be drawn from the Treasury by warrants of the Comptroller in such sums and denominations as may be directed by the Governor.

Sec. 3. That this act, shall be in force from and after its passage.

Approved March 5th, 1863.

CHAPTER XV.

"An Act to amend an Act to amend An Act to establish a Penal Code," approved August 26th, 1856; approved February 12th, 1858.

Section 1. Be it enacted by the Legislature of the State of Texas. That Article 34 of "An Act to amend An Act to establish a Penal Code," approved August 26th, 1856; approved February 12th, 1858, be amended so as hereafter to read as follows:—Article 34. "All free white persons who have less than one-eighth African blood come within the meaning of the term "free white persons;" and all free white persons who have that, or a quarter proportion of African blood come within the meaning of the terms "free persons of color." Slaves are all such persons of African descent as are held in slavery by the laws of this State, or of any of the States or Territories of the Confederate States, or of any foreign country.

Sec. 2. That Article 349 of said Act be amended so as hereafter to read as follows: Article 349. Wherever, in the Penal Code or Code of Criminal Procedure, it is declared, that an officer is guilty of an offence, on account of any particular act or omission, and there is not, in the Penal Code, any punishment assigned for the same, such officer shall be deemed guilty of a misdemeanor and shall be fined not exceeding two hundred dollars.

Sec. 3. That said act be so amended by adding the following article thereto, which shall read as follows:—Article 669a. If any person shall sell, give, or loan, to a slave or slaves, a gun, pistol, sword, bowie knife or dagger, or any gun-powder or percussion caps, without the written consent of his or her master, mistress or overseer, he or she shall be confined at hard labor in the Penitentiary not less than two nor more than five years.

Sec. 4. That Article 745a, of said act, be amended so as hereafter to read as follows:

Article 745a. If any person shall receive or conceal property which has been acquired by another, in such manner as that the acquisition comes within the meaning of the term theft, knowing the same to have been so acquired, he shall be punished in the same manner as, by law, the person stealing the same would be liable to be punished: Provided, That if a free white person shall receive or conceal such property stolen by a slave or free person of color he shall be punished in the same manner as, by law, a free white person stealing the same would be liable to be punished.

Approved March 5th, 1853.

CHAPTER XVI.

An Act to exclude from office, serving on juries, taking or holding property, and from the rights of suffrage, all persons who take the alien oath, leave our country, to avoid the service, or who join the enemy, or in anywise give them aid and comfort.

Section 1. Be it enacted by the Legislature of the State of Texas, That no person, being a resident of the State, or of any one of the Confederate States, who may, during the existing war between the Confederate States and the

United States, take the oath commonly known as the alien oath, whereby he claims the protection of any foreign government, as a shield from serving in the cause of the Confederate States in their present struggle, or who may leave, or having left, remain absent from this State, or any of the Confederate States, or who may join, or having joined, continue in the army or service, or employment of the United States, or who may conceal himself, and thereby avoid service in our cause, or who may, in anywise, give aid and comfort to the enemy, shall upon conviction thereof before any court of competent jurisdiction, take or hold any estate, real, personal, or mixed, whether by purchase, gift, devise, or descent, in this State, nor hold any office of trust, profit, or honor, nor vote at any election, nor serve on any juries in any Court within this State: Provided, That persons who shall prove themselves to be bona fide neutrals and citizens of a friendly power, shall not be subject to the provisions of this act.

Sec. 2. That the judgment of the Court upon the verdict of a jury in any one of the causes enumerated in the preceding section, shall be sufficient evidence of the guilt of the party, in any suit or proceeding that may subsequently arise, on any issue made upon any question involved in the said first section.

Sec. 3. That for the offences enumerated in the first section of this act, the party may be prosecuted at any time within five years after the ratification of a treaty of peace between the Confederate States and the United States.

Sec. 4. That this act take effect from and after its passage.

Approved March 5th, 1863.

CHAPTER XVII.

An Act to provide for the support of the families of Texan Soldiers.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of six hundred thousand dollars is hereby appropriated, to be distributed by the Comptroller according to such regulations as he shall adopt, to the County Courts of each county in the State, according to the scholastic returns and estimates for the years 1861 and 1862, taking as a basis for the distribution to those counties which have not returned their lists for both years, the year for which there is a return of the county, to be administered by the said County Courts, for the support and assistance of the widows, families and dependents of the officers and soldiers of Texas, who have been or may be in the Army of the Confederate States, or in the active Militia or Volunteer Service of the State of Texas, and which widows, families or dependents may need the support or assistance of the State.

Sec. 2.—That this Act shall take effect and be in force from and after its passage.

Approved March 5th, 1863.

CHAPTER XVIII.

An Act to define the offence of inciting insurrection or insubordination of slaves in certain cases, and to prescribe the punishment therefor.

Whereas, in the prosecution of the unholy war now being waged by the United States against the Confederate States and the people thereof, our enemies are seeking to bring upon us a servile war by arming our slaves and placing them in the ranks of their armies, as well as otherwise, through the action of their government and the commissioned officers of their armies, inciting insurrection and insubordination:—therefore—

Section 1. Be it enacted by the Legislature of the State of Texas, That it shall be an offence, to be denominated inciting insurrection or insubordination of slaves, for any commissioned officer of the army, navy, or marine service of the government of the United States, during the present war between said United States and the Confederate States, to invade or enter upon, with hostile intent, the Territory or soil of this State, or with like intent, to enter within the waters of this State.

Sec. 2. That any person guilty of inciting insurrection or insubordination, as in this act defined, shall, on conviction thereof, be punished by confinement in the Penitentiary not less than five nor more than fifteen years.

Sec. 3. This act not being intended to produce any conflict between the State authorities and the government or authorities of the Confederate States, in relation to the management of any matters growing out of the existing war, therefore, only such persons shall be subject to be tried under its provisions as may be, by the proper authorities of the Confederate States, delivered over to the civil authorities of this State, for the purpose of being so tried—and, any person convicted under the provisions of this act, shall, at any time after such conviction, on demand made therefor by the President of the Confederate States on the Governor of this State, be delivered up to the proper authorities of the Confederate States.

Sec. 4. This act is not designed to be in lieu of existing laws defining the exciting or insubordination of slaves, and shall not be construed in any manner to effect such laws.

Sec. 5. This act shall be in force from and after its passage.

Approved March 5th, 1863.

CHAPTER XIX.

An Act supplemental to an Act entitled an Act, defining the office and duties of Notaries Public, passed May 13th, 1846, and to amend the first section of said Act.

Section 1. Be it enacted by the Legislature of the State of Texas, That the first section of the above entitled act be so amended as to read as follows: There shall be appointed by the Governor, by and with the advice and consent of two-thirds of the Senate, a convenient number of Notaries Public, not exceeding six for each county, who shall hold their office for four years from the day of their qualification, and no longer, any law to the contrary notwithstanding. The office of Notary Public shall become vacant by removal from the county, by becoming insane, by accepting any civil office under the State Government, (except the office of Justice of the Peace,) or any office under the Confederate or other government; and the office of Deputy Clerk, Deputy Sheriff and Deputy Marshal, come within the meaning of this act.

Sec. 2. Be it further enacted, That when a Notary is appointed, the Secretary of State shall forward the commission to the Clerk of the County Court of the County where the party resides, who shall notify him to appear before the County Court within thirty days from the day of the notice, if there will be a regular term of said court, if not, before the Clerk in vacation, and qualify according to law. The Clerk shall endorse on the commission the day when the notice was given, and if the party does not qualify within the time limited the appointment shall be void, and the Clerk shall certify on the back of the Commission, under the seal of the court, that the party has failed to qualify, and return it to the Secretary of State. When the party qualifies in vacation, the Clerk shall approve the bond, and record it as in other cases.

Sec. 3. Be it further enacted, That whenever a Notary Public qualifies, or vacates his office, by death or otherwise, the Clerk of the County Court shall immediately report the fact to the Secretary of State, giving the date of qualification, and showing when and by what way the office became vacant.

Sec. 4. Be it further enacted, That whenever a Notary Public voluntarily vacates his office, or when the office becomes vacant by expiration of time, he shall deliver to the Clerk of the County Court his seal and books, and the records of his office. If any notary public fails to comply with this provision, he shall be subject to a fine of one hundred dollars, recoverable by motion in the District Court, in the name of the State, to be prosecuted by said Clerk.

Sec. 5. Be it further enacted, That if the Clerk fails to comply with the provisions of this act, he shall be subject to a fine of one hundred dollars, recoverable by motion in the District Court, in the name of the county; and on trial of the motion, the certificate of the Secretary of State, showing default on the part of the Clerk, shall be presumptive evidence of the facts therein stated.

Sec. 6. Be it further enacted, That the Clerk shall be entitled to a fee of two dollars from every Notary who qualifies, and this act take effect from and after its passage.

Approved March 5th, 1863.

CHAPTER XX.

An Act appropriating money to defray the expenses incurred for rations and forage, ordered by Brigadier General Wm. Hudson, 21st Brigade, State Troops.

Whereas, About the 1st of October, 1862, it become known that a secret organization existed in the county of Cooke and adjoining counties, having for its object the overthrow of this government: And Whereas, The Texas State Troops, of the 21st Brigade, were called out by Brig. Gen. Wm. Hudson, of said Brigade: And Whereas, Said rebellion has been effectually crushed, and harmony is restored in that portion of the State; therefore

Section 1. Be it enacted by the Legislature of the State of Texas, That the Comptroller be, and he is hereby required to audit and pay, by his warrants upon the Treasurer, all accounts for forage and subsistence of the Texas State Troops, of the 21st Brigade, called into service by Brig. Gen. Hudson, of said Brigade: Provided, Such claims shall be duly sworn to by the claimants, before some Justice of the Peace, or Notary Public, within said Brigade, to be also approved by the Acting Quartermaster and Commissary of said 21st Brigade.

Sec. 2. That the sum of four thousand five hundred dollars, or so much thereof as may be necessary, be, and is hereby appropriated out of any unappropriated money in the treasury, in payment of all such claims, and that this act take effect from its passage.

Approved March 5th, 1863.

CHAPTER XXI.

An Act declaring void any sale made by the Public Enemy who may occupy any portion of the Territory of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas. That if at any time pending a war between the Confederate States Government and any other government, State or Power, any of the Territory within the limits of the State of Texas shall be occupied by the enemy, and, during such occu-

pancy, any sales or transfers of property shall be made by them, either by private or public act, or under any pretence of proceeding whatever, or real, personal, or mixed property, belonging to any citizen or citizens of the State of Texas, such sales shall be deemed void and of no effect, and all deeds made under such sales, and all transfers and evidences of title conveyed, shall be considered void, and not admissible as evidence in any courts of the State of Texas.

Sec. 2. This act take effect from and after its passage.

Approved March 5th, 1863.

CHAPTER XXII.

An Act to amend the 12th and 15th sections of an Act, entitled "an Act regulating Elections," passed March 16th, 1848, and to amend the 9th and 14th sections of an Act entitled "an Act supplementary to an Act regulating Elections, passed February 11th, 1850."

Section 1. Be it enacted by the Legislature of the State of Texas, That the 12th section of the act first recited in the caption hereof be so amended as hereafter to read as follows:

Sec. 12. That immediately after closing the polls, the managers of the election shall proceed to count the votes, make out a correct return, signed by the managers, which together with the ballots, and one of the poll-books, shall be sealed up and delivered to the Chief Justice of the county, (or in his absence, the Clerk of the County Court, who shall file the same in his office, and deliver said return to the Chief Justice on the day appointed to open and compare the polls,) by one of the managers, or some other respectable person, who shall swear that he received the package from one of the managers, or the returning officer, and that the seals have not been broken since; which delivery shall be upon oath, before the return day of said election, a duplicate of which return shall be kept by the presiding officer.

Sec. 2. That the 15th section of the act first recited in the caption hereof, be so amended as hereafter to read as follows:

Sec. 15. That the election returns shall not be opened by the officer to whom they are returned, before return day, or tenth day, and exclusive of the day of election; at the expiration of that time he shall open them and estimate the result, making a tabular statement thereof, showing the number of votes cast at each precinct for the several candidates, which table he shall record in a book to be kept for that purpose, and he shall also record in said book the names of the persons elected to the county and precinct offices; and he shall thereupon deliver to the persons elected certificates of election, showing when and to what office the parties were elected, and shall sign the same, and cause the seal of the County Court to be thereon impressed.

At the expiration of thirty days after the election, and from time to time thereafter, as the officers may qualify, the Chief Justice shall make out and certify to the Secretary of State, a tabular statement, showing who were elected, and to what office, and the date of qualification, giving the number of the precinct, (if precinct officers,) and he shall also certify the result of the vote for members of the Legislature: and he shall, in like manner, report to the Secretary of State all special elections to fill vacancies in any county or precinct office, and certifying when and how the vacancy occurred; and when any State or District officer, member of Congress, or of the Legislature, or Notary Public, shall depart this life, the Chief Justice of the county where such death occurs shall immediately certify the fact thereof to the Secretary of State: and if any Chief Justice shall neglect to comply with any of the

provisions of this act, he shall be fined one hundred dollars, recoverable by motion in the District Court of the county in which he resides, after reasonable notice of such motion: Provided, however, Such Chief Justice may acquit himself of such neglect by affidavit made before any officer authorized to administer oaths.

Sec. 3. That the 9th section of the act last recited in the caption hereof shall be so amended as to read as follows: Sec. 9. That when an election has been held for Governor and Lieutenant Governor, the Secretary of State shall make a table, containing an alphabetical list of the counties, with columns for the candidates and the number of votes; and he shall, in the presence of the Governor or Attorney General, open the returns and enter on the table the number of votes given for the candidates respectively, and then place the returns back in the envelope, seal it, endorse upon it the date of its reception, and carefully file it away in his office: the table thus kept shall be open to public inspection, and, together with all the returns, shall be delivered to the Speaker of the House of Representatives on the first day of the next regular session of the Legislature. That when elections are held for other State officers, and for District officers, the Secretary shall, in like manner, make alphabetical tables of the counties in the State, or of the Districts, and, as the returns are received, he shall enter the number of votes received by each candidate, then endorse thereon the date of the receipt, and carefully preserve the same in his office. If the returns are all in before the expiration of sixty days, the Secretary of State, in presence of the Governor and Attorney General, or in case of vacancy or inability of either to act, then any two of said officers shall count the returns which shall have been made, and the Governor shall thereupon deliver a certificate of election to the person or persons who shall have received the highest number of votes for each or any of said offices. If the returns are not all in before the sixtieth day from the day of the election, the same officers shall proceed on that day and count the returns, and issue certificates as before provided for. If any of the returns are defective, or if there is unreasonable delay in making returns, the Secretary shall notify the Chief Justice, or other proper officer, of the defect or neglect, and to cause proper returns to be made. The Chief Justice, or other officer, failing to make returns promptly, shall be subject to a fine of one hundred dollars, recoverable by motion in the District Court of the county in which he resides, after reasonable notice of such motion: Provided, however, such Chief Justice may acquit himself of such neglect by sufficient affidavit made before any officer authorized to administer oaths; and on the trial of such motion the certificate of the Secretary of State, charging default upon the Chief Justice, shall be presumptive evidence of the facts therein contained.

Sec. 4. That section 14th of the act last recited be so amended as to read as follows: Sec. 14. That any person who shall intend to contest an election for any office mentioned in the 11th, 12th and 13th sections of this act, shall, within ninety days after the day of the election, give notice to the person in whose favor the certificate shall have been made, of the grounds upon which he intends to rely on the trial of such contest, and shall, within the same period, cause a copy thereof to be filed in the office of the District Clerk of the county where such contest is to be tried.

Sec. 5. That this act take effect from and after its passage.

Approved March 6th, 1863.

CHAPTER XXIII.

An Act to authorize the Directors of the State Penitentiary to allow the Financial Agent of the same to purchase additional machinery, and to employ outside labor for the same.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Directors of the State Penitentiary be, and they are hereby authorized to direct the Financial Agent thereof to purchase, on the best terms possible, any machinery that may be necessary to supply the worn-out machinery of said Penitentiary, or any additional machinery that they may deem expedient to enlarge the works of the same, by ordering or sending any agent therefor at the risk of the State of Texas.

Sec. 2. Be it further enacted, That the said Directors are further authorized to direct the said Financial Agent to employ such outside labor as they may deem expedient, in addition to the convict labor, to carry on the workshops and factories of said Penitentiary.

Sec. 3. That this act take effect and be in force from and after its passage.

Approved March 6th, 1863.

CHAPTER XXIV.

An Act to amend an Act entitled an Act to amend an Act to establish a Code of Criminal Procedure for the State of Texas, approved August 26th, 1856; approved February 15th, 1858.

Section 1. Be it enacted by the Legislature of the State of Texas, That articles 156, 190a, 280, 644 and 960, of an act entitled an act to amend an act to establish a Code of Criminal Procedure for the State of Texas, approved August 26th, 1856, approved February 15th, 1858, be amended so as hereafter to read as follows: Art. 156. Whenever the District Attorney of the proper district is in the county where a cause is heard under habeas corpus, it is his duty, if the defendant is accused of a felony, to be present at the hearing and represent the State, for which service he shall be paid twenty-five dollars; and if the District Attorney is not present at the hearing of such cause, the Judge shall appoint some well qualified practising attorney to represent the State, who shall be paid the same fee as is allowed District Attorneys for like services. Art. 190a. The offence of forgery may be prosecuted in any county where the written instrument is forged, or where the same is used or passed, or attempted to be used or passed; and the offence of counterfeiting may be prosecuted in any county where the offence is committed, or where the counterfeit coin is passed, or attempted to be passed; and the offences of perjury and false swearing may be prosecuted in the county where the offence was committed, or in the county where the false statement is used or attempted to be used. Art. 280. In cases of felony the Sheriff cannot, during the term of the court, take the bail, but must bring the accused before the court, that he may there enter into recognizance, but if, from any cause, the term of the court should end before such recognizance can be, or is entered into, then and in that event the Sheriff may take bail in such amount as may have been fixed in the case by the court. Art. 644. The following persons only are incompetent to testify in criminal actions: 1. Insane persons who are in an insane condition of mind at the time when they are offered as witnesses, or who were in that condition when the events happened of which they are called to testify. 2. Children, or other persons, who, after being examined by the court, appear not to possess sufficient intellect to relate transactions with respect to which they are interrogated, or who do

not understand the obligation of an oath. 3. A slave or free person of color shall not testify, except where the prosecution is against a person who is a slave or free person of color. 4. In prosecutions for seduction under the provisions of the Penal Code, the female alleged to have been seduced. 5. All persons who have been, or may be convicted of felony in this, or in any other State of the Confederate States, or of any other State or kingdom, unless such person or persons may have been pardoned for such crime: Provided, that no person convicted of the crime of perjury or false swearing within this State, or out of it, shall have his competency as a witness restored by a pardon, unless the pardon so obtained shall by its terms specifically restore his competency to testify in a court of justice, or unless his competency be otherwise restored by the proper authorities of this State. Art. 960. The sheriff shall receive from the county one dollar a day for each guard he employs, and the reasonable expense of such guard, not exceeding one dollar a day; and for the support and maintenance of each prisoner in his custody fifty cents a day during the time he has charge of such prisoner, but in localities where the price of provisions may demand it, the presiding judge may, in his discretion, allow and approve a greater sum, not to exceed one dollar a day.

Approved March 6th, 1863.

CHAPTER XXV.

An Act to provide for the defence of the Frontier, and repealing certain provisions of an Act entitled "An Act to provide for the protection of the Frontier," approved December 21st, 1861.

Whereas, under the provisions of "An Act to provide for the protection of the Frontier of the State of Texas," approved December 21st, 1861, a regiment, composed of nine companies of cavalry, was organized and sworn into the service of the State of Texas for the term of twelve months: And, whereas, by the provisions of the seventh section of said act, the Governor was required to urge the acceptance of said regiment in the service of the Confederate States for the purpose of frontier protection: And, whereas, by reason of the provisions of said act, and the organization of said regiment, being inconsistent with the army regulations of the Confederate States, said regiment was not received into the service of the said Confederate States: And, whereas, to meet a provision of said army regulations, that each regiment shall be composed of ten companies, the Governor disbanded said regiment, and on the 11th day of February, 1863, of the same material, completed the organization of another regiment composed of ten companies, denominated "the Mounted Regiment of Texas State Troops," and mustered the same into the service of the State of Texas, under the command of Colonel James E. McCord, for the term of three years or during the war: Therefore,

Section 1. Be it enacted by the Legislature of the State of Texas, That said mounted regiment of Texas State Troops, organized and commanded as aforesaid, be, and the same is hereby recognized and acknowledged as the Frontier Regiment, contemplated to be raised by the act of this Legislature aforesaid, subject to the provisions of said act, except as may be herein otherwise provided, and that the sum of eight hundred thousand dollars, (\$800,000) or so much thereof as may be necessary, be, and the same is hereby appropriated for the pay and support of said regiment for the term of twelve months from the said 11th day of February, 1863, or until further action of the Legislature of this State.

Sec. 2. That the Governor be, and he is hereby authorized to transfer said regiment to the service of the Confederate States: Provided such trans-

fer can be made upon the condition, and with the express understanding, that said regiment shall be retained and remain upon the Indian frontier of the State of Texas, for its protection; in which event said regiment shall be subject solely to the military authorities of the Confederate States, and no further charge for the pay or support thereof shall thereafter accrue against the State of Texas, but in the event no transfer of said regiment is made under the provisions of this act, said regiment shall remain upon said frontier for the full term of twelve months from the said February 11th, 1863, or until otherwise provided by law.

Sec. 3. That so much of the "Act to provide for the protection of the frontier of the State of Texas," approved December 21, 1861, or of any other act, as conflicts with the provisions of this act, are hereby repealed, and that this act take effect from and after its passage.

Approved March 6th, 1863.

CHAPTER XXVI.

An Act to regulate the distribution of cloth manufactured at the State Penitentiary among the families of Soldiers in the Confederate Army.

Section 1. Be it enacted by the Legislature of the State of Texas, That no cloth shall be hereafter furnished by the Financial Agent of the State Penitentiary, on application by, or on behalf of the families of soldiers, unless the Chief Justice of the county in which the applicant shall reside shall certify, in his official capacity, to the truth of the facts stated in said application.

Sec. 2. That this act shall take effect from its passage.

Approved March 6th, 1863.

CHAPTER XXVII.

An Act to provide against the hostile invasion of the State of Texas by persons of color.

Section 1. Be it enacted by the Legislature of the State of Texas, That any person of color invading or coming into the State of Texas during the present war between the Confederate States and the United States, with any armed force of the enemy, or for the purpose of waging war against the people of said State of Texas, or the people of any of the Confederate States, or of exciting insurrection amongst our slaves, or who being within the jurisdiction of said State, shall voluntarily join or be found in the ranks of our enemies, rendering them any character of service, or in any manner whatever giving them aid and comfort, shall be dealt with as is hereinafter provided.

Sec. 2. Upon the apprehension or capture of any such person by the authorities of the State, or upon any such person being turned over after capture, by the military authorities of the Confederate States to the civil authorities of the State, it shall be the duty of the State authority, having said person in custody, to forthwith notify the Judge of the District Court of his Judicial District of the fact, who shall thereupon designate a day, not less than ten nor more than twenty days after receiving such notification, when he will examine into the truth of the accusation made; said examination to be had after due notice thereof to the prisoner, in the county where said prisoner is detained in custody, and if upon said examination it shall appear that the prisoner comes under the provisions of the 1st section of this act, he shall be deemed to have forfeited his freedom, if he be free, and shall be ordered to be confined in the State Penitentiary at labor until the expiration

of twelve months after the ratification of a treaty of peace between the Confederate States and the United States, and at the expiration of said period to be dealt with as hereinafter further provided.

Sec. 3. It shall be the duty of the Secretary of State, within sixty days after the ratification of the treaty of peace aforesaid, to procure a complete list of all persons then remaining confined in the Penitentiary under the provisions of this act, with a full description thereof, including the name, age, complexion, height and weight of every such person, and any other peculiar mark by which they may be identified, together with the name, and residence, if known, of the alleged owner of such, if any, as claim to be slaves; which said list he shall cause to be published eight successive weeks in newspapers, published in three different portions of the State, one of which shall be at the Capital of the State, and no two of which shall be published in the same congressional district.

Sec. 4. At the expiration of twelve months after the ratification of the treaty of peace aforesaid, a list of all persons remaining in the Penitentiary under the provisions of this act, and not before then reclaimed as runaway slaves, shall be furnished by the Superintendent of the Penitentiary to the Secretary of State, and each person thus remaining shall be remanded to the custody of the Sheriff of the county wherein said Penitentiary is situated, who shall, within sixty days thereafter, expose said person to sale at public auction, before the court-house door of said county, to the highest bidder for cash, due notice of the person to be sold and the time, place, and terms of said sale having been first given, by advertisement published eight successive weeks next preceeding said sale, in newspapers published—one at the Capital of the State, and one in the county where said sale is to be made—or where no newspaper is published in said county, then in some newspaper published elsewhere in the State, and not at the Capital, having the largest circulation in the county wherein said sale is to be made.

Sec. 5. The purchase money for each and every person thus sold shall be paid by the purchaser to the Financial Agent of the Penitentiary, and out of the proceeds of said sale the Sheriff shall be entitled to receive the same commissions and fees as are by law allowed in cases of execution, and the balance, if any, after paying all costs, fees and expenses arising out of the custody, maintenance, advertisement and sale of the persons, after leaving the Penitentiary, shall be by said Financial Agent, paid into the State Treasury.

Sec. 6. The Sheriff making a sale of any person under the provisions of this act, shall forthwith thereafter make out in duplicate a full and clear account and statement of such sale under his hand, and return one to the Secretary of State and one to the Clerk of the County Court of the county wherein such sale was made, who shall record the same among the proper records of evidences of ownership of slaves.

Sec. 7. The provisions of the laws of the State authorizing free persons of color to choose their masters, or to leave the State, are hereby repealed as to all such persons now in the State, who have invaded the State since the beginning of the present war under the circumstances, or for the purpose specified in Section 1st, of this act, and such persons shall be dealt with in all respects according to the provisions of this act: Provided, That it shall not be necessary to have any judicial examination of any such persons as are already confined in the Penitentiary, but such person shall be retained in such confinement for the term prescribed for other cases arising under this act as though they had been originally committed for that period.

Sec. 8. The owner of any slave held in custody under the provisions of this act may reclaim his property as a runaway slave at any time after said

slave has passed into the custody of the State authorities, and before he has been sold: Provided, That the proceedings for the reclamation of such slave shall be had at the cost of the claimant, and before the Chief Justice of the county where said slave may be held in custody at the time said claim is made and be made a matter of record in said County Court, but the right to any person, either slave or free, actually sold as aforesaid, shall be and remain vested in the purchaser under said sale, and the owner of any slave thus sold, shall only, upon proving his property in said slave within three years after said sale, be entitled to receive from the State Treasury the amount paid into said Treasury on account of the sale of said slave.

Sec. 9. The District Attorney, Sheriff, Clerk, and any other officer whose services may be required in any proceeding arising under the provisions of the 2d section of this act, or who may have already rendered service in any proceeding resulting in the commitment of any person to the Penitentiary as contemplated in the provisions to the 7th Section of this act, shall be allowed the same fees and expenses as are allowed in cases of felony.

Sec. 10. That this act take effect from and after its passage.

Approved March 6th, 1863.

CHAPTER XXVIII.

An Act to punish any person or persons who may obtain goods from the State Penitentiary, under false pretences.

Section 1. Be it enacted by the Legislature of the State of Texas, That if any person or persons, representing themselves as agents for the State of Texas, Confederate Government, widows, soldiers' families, or otherwise, and as such shall obtain goods from the acting agent of the penitentiary, and dispose of the same in any other way than as intimated by them to the said agent at the time of obtaining the same, shall, on conviction thereof, in any Court of proper jurisdiction, be condemned to serve, at hard labor, in the State Penitentiary, not less than two nor more than three years for each and every such offence.

Approved March 6th, 1863.

CHAPTER XXIX.

An Act to amend An Act entitled An Act to amend the Sixteenth Section of "An Act to provide for the Assessment and Collection of Taxes, approved Feb. 11th, 1850, approved January 11th, 1862."

Section 1. Be it enacted by the Legislature of the State of Texas, That section sixteen of "An Act to provide for the Assessment and Collection of taxes," approved February 11th, 1850, be so amended as hereafter to read as follows: That if any person shall fail or refuse to pay the taxes imposed upon him and his property by law, until the first day of March next, succeeding the return of the assessment roll of his county, to the Comptroller, the Assessor and Collector, shall, by virtue of his tax list, levy upon so much property liable to taxation, belonging to such person, if to be found in his county, as may be sufficient to pay his or her taxes. Provided, however, That if such person, his agent or attorney, shall point out to the Assessor and Collector sufficient property belonging to the party assessed in said county to pay said taxes, then the Assessor and Collector shall levy upon the property as pointed out, and in case the property levied on is about to be removed out of the county, the Assessor and Collector shall proceed to take possession of so

much thereof as will pay the taxes assessed, and costs of collection: Provided, further, That any person having no real estate, or not a sufficiency thereof in the county where such assessment is made to pay his or taxes, and who is about to remove his or her property out of the county, after the return of the assessment roll, as aforesaid, and before the time specified by law for payment of taxes, then, and in that case, it shall be the duty of the Assessor and Collector, by virtue of his tax list, to levy upon and take into his possession so much of the property of such person liable to taxation, as may be sufficient to pay his or her taxes and costs, and the Assessor and Collector shall be entitled to the same fees as is by law allowed to Sheriffs for similar services.

Sec. 2. That "An Act to amend the Sixteenth Section of An Act to provide for the assessment and collection of taxes, approved February 11th, 1850, approved January 11th, 1862" be and the same is hereby repealed, and this act take effect from and after its passage.

Approved March 6th, 1863.

CHAPTER XXX.

An Act to authorize the Treasurer to pay out Confederate Treasury Notes for Civil and Military purposes.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Treasurer of the State is hereby authorized to pay out, for civil and military purposes, Confederate Treasury Notes, received and paid into the Treasury from the current revenue of the State, or from other sources.

Sec. 2. That any law, so far as it conflicts with the provisions of this act, is hereby repealed; and this act take effect from its passage.

Approved March 6th, 1863.

CHAPTER XXXI.

An Act to authorize the Commissioner of the General Land Office to issue to all persons and Corporations, such Land Certificates as they may be entitled to receive under any General or Special Law of the State.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized to issue to all persons and corporations, such land certificates as they may be entitled to under any general or special law of the State.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved March 6th, 1863.

CHAPTER XXXII.

An Act to amend an Act to amend an Act amendatory of the Laws to raise revenue by taxation, approved February 16th, 1858, and to amend an Act entitled an Act to amend an Act amendatory of the Laws to raise revenue by taxation, approved February 16th, 1858, approved April 8th, 1861, approved January 13th, 1862.

Section 1. Be it enacted by the Legislature of the State of Texas, That the first section of the above entitled act, approved January 13th, 1862, be so amended as to hereafter read as follows: There shall be levied and collected for the use of the State an annual direct ad valorem tax of fifty cents upon each hundred dollars value of property, real and personal, including all cotton,

wheat, flour, corn, and all other products of the soil, not in the hands of the producer, in this State, except such property as may be exempt by law from taxation, which tax shall include the specific tax of four cents on the one hundred dollars provided by law, for the payment of the interest and principal of loan; and this tax shall be levied and collected on the assessment of the extas for 1863.

Sec. 2. That the fourth section of said act shall hereafter read as follows: Section 4. That the first section of said act, approved April 8th, 1861, recited in the caption hereof, read as follows: There shall be assessed and collected of each person, firm, or public corporation, having money, or paper currency circulating as money, loaned at interest, buying or selling exchange, or buying or selling notes of hand, on all money, or paper currency circulating as money, hoarded or kept on hand, beyond the som of two hundred dollars, a tax at the rate of fifty cents on each hundred dollars loaned, hoarded, or kept on hand, and on the amount of capital used for the purchasing of notes or exchange; and any person, firm, or public corporation, having money, or paper currency circulating as money, or hoarded, loaned at interest, or money, or paper currency circulating as money, used in purchasing notes or exchange, or hoarded, or kept on hand, beyond the sum of two hundred dollars, who shall fail or refuse to give in the same for taxation, shall, upon conviction before any court having competent jurisdiction, forfeit ten per centum upon the amount of money, or paper currency circulating as money, thus loaned or kept on hand beyond two hundred dollars, or used in purchasing notes or exchange, and not given in for taxation, to the use of the informant and of the State, each one-half. That each and every person or firm enaged in the sale of goods, wares and merchandize, vinous or spirituous liquors, when sold in quantities of a quart or more, shall pay a tax of fifty cents on each hundred dollars value of such articles purchased for sale, or received for sale as agent or auctioneer by such person or firm; and it shall be the duty of each Assessor and Collector in this State, once in every three months, or oftener, to call upon such person or firm so occupied or engaged in his county for an account of such purchase or consignments, to be made under oath; and every person or firm, when so called upon, who shall fail or refuse to furnish such Assessor and Collector with an account of such purchase or consignment, during the term for which the assessment is to be made, shall be liable to a penalty of fifty dollars for each failure or neglect, to be recovered on information of the Assessor and Collector, before any Justice of the Peace of the proper county, by a suit in the name of the State; and this specific tax levied shall exempt the goods, wares and merchandize of such person or firm from the ad valorem tax levied by this act.

Sec. 3. This act shall be in force and take effect from and after its passage.

Approved March 6th, 1863.

CHAPTER XXXIII.

An Act supplemental to An Act to amend An Act to amend An Act to amend An Act amendatory of the Laws to Raise Revenue by Taxation, approved Feb. 16th, 1858; and to amend An Act entitled An Act to amend An Act amendatory of the Laws to Raise Revenue by Taxation, approved Feb. 16th, 1858, approved April 8th, 1861, approved the 6th day of March 1863.

Section 1. Be it enacted by the Legislature of the State of Texas, That the third section of the above recited act, approved April 8th, 1861, shall hereafter read as follows:

Sec. 3. That the 6th section of said act shall hereafter read as follows: "There shall be assessed and collected of each and every person pursuing the occupation of hawker, peddler of goods, or other articles not manufactured in the State, an annual direct tax of fifty dollars in each county in which he may pursue such occupation; and each and every person or firm keeping a billiard table, an annual direct tax of fifty dollars for each table so kept; of each and every person or firm keeping a nine or ten pin alley, an annual direct tax of forty dollars for each alley so kept; and of each and every person or firm keeping a hotel in towns of five hundred inhabitants or less, ten dollars; in any town with over five hundred or under two thousand inhabitants, fifteen dollars; in any town with over two thousand and under five thousand inhabitants, twenty dollars; in every town with five thousand or over inhabitants, thirty dollars; on each and every person or firm keeping any restaurant, cook shop, or eating house, for pay or emolument, fifteen dollars; on each and every person or firm keeping any brewery, twenty dollars; on each and every person or firm keeping any beer shop, in which no vinous or spirituous liquors are vended, twenty-five dollars; on each and every person or firm keeping any distillery of spirituous liquors, one thousand dollars on each and every still used by them in the distillation of any spirituous liquors from any kind of grain; on each and every person or firm keeping any storage warehouse, ten dollars; on each and every person or firm engaged in re-pressing cotton, twenty-five dollars; on each insurance company, fifty dollars; on each and every person or firm keeping a livery stable, fifteen dollars; on each and every toll bridge or ferry kept and used for pay as much as six months in the year, ten dollars; on each and every person engaged in the practice of dentistry, for pay or emolument, ten dollars; on each and every person having a fixed annual salary, whether as a public officer, or by private contract, twenty-five cents on each hundred dollars of such salary over and above five hundred dollars; upon each and every firm or person keeping a race track, forty dollars; on each and every person or firm pursuing the occupation of real estate broker, ship broker, cotton broker, or any commission business, for each and every such establishment, twenty dollars; on each person or firm engaged in the business of underwriting, or selling dry goods, groceries, or drugs and medicines, ten dollars; on each and every pawn-broker, forty dollars; on each and every person engaged in negro trading, for each negro sold, five dollars. It shall be the duty of every person or firm engaged in the occupation of hawker or peddler, billiard-table keeper, keeper of nine or ten pin alleys, cook shop, eating house or restaurant, race track, auctioneer, hotel keeper, pawn broker, or distillery, before entering upon any such occupation, to first call upon the Assessor and Collector of the county in which he may intend to follow such occupation, and pay the tax required, and take a receipt for the same, setting forth the occupation, and the amount of tax paid, which receipt he shall file with the Clerk of the County Court, who shall thereupon issue to him a license to follow such occupation for the term for which the license tax has been paid, and any person

failing to do so shall be required to pay a double tax. It shall be further the duty of the Clerk to keep a book, in which he shall enter the names of all persons obtaining a license, with the amount of tax paid, and the date of the license, which book shall at all times be open to the inspection of the County Court, and to all officers, executive and judicial, of his county, a transcript of which book, certified by the Chief Justice, and under the seal of the court, he shall transmit to the Comptroller, on the 1st day of June, in each and every year; for which service the Clerk shall be entitled to a fee of one dollar in each case, to be paid by the party obtaining the license."

Sec. 2. That this act take effect from and after its passage, and apply to the assessment of taxes for 1863.

Approved March 6th, 1863.

CHAPTER XXXIV.

An Act to amend the ninth section of an Act entitled "An Act to provide for the registration of deeds and other instruments of writing," approved May 12th, 1846.

Section 1. Be it enacted by the Legislature of the State of Texas, That the ninth section of the above recited act shall hereafter read as follows: That when the subscribing witnesses to any instrument of writing may be dead, or their place of residence unknown or when they reside out of the State, an affidavit thereof may be made and attached to such instrument; after which it may be proved, for the purpose of being recorded, by the evidence of the hand-writing of the grantor or person who executed such instrument, and at least one of the subscribing witnesses; or when the grantor or person who executed such instrument signed by making his mark, by proof of the handwriting of both of the subscribing witnesses; which evidence shall consist of the deposition or affidavit of two or more disinterested persons, in writing attached to such instrument; and the officer taking such proof shall make a certificate thereof, sign, and seal the same with his official seal.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved March 6th, 1863.

CHAPTER XXXV.

An Act to punish persons who evade or assist in evading the Conscrip Laws of the Confederate States of America.

Section 1. Be it enacted by the Legislature of the State of Texas, That any person or persons within this State who shall wilfully discourage any other person or persons who are subject to the Conscrip Laws of the Confederate States of America from enlisting in the military service of the Confederate States, with intent to evade the Conscrip Laws, or who being subject thereto shall himself evade, or aid or assist any other person being subject thereto to evade the operations of said Conscrip Laws, shall be guilty of a felony, and on conviction thereof shall be punished by imprisonment in the Penitentiary for a term not less than two nor more than five years, at the discretion of the jury.

Sec. 2. That any person or persons who shall harbor, aid or assist any other person or persons who have been enrolled under the Conscrip Laws of the Confederate States, in evading or resisting the operation of said laws, shall be punished by imprisonment in the Penitentiary for a term not less than one nor more than four years.

Sec. 3. That if any person or persons who, being liable to be enrolled and

conscripted under the said Conscript Laws, shall by misrepresentation, falsehood or fraud, obtain a certificate of exemption therefrom, he shall be deemed guilty of an offence, and upon conviction thereof shall be punished by confinement in the Penitentiary for a term of not less than one nor more than three years.

Approved March 6th, 1863.

CHAPTER XXXVI.

An Act authorizing the release of securities on the bonds of Assessors and Collectors.

Section 1. Be it enacted by the Legislature of the State of Texas, That the securities upon the bond of any Assessor and Collector of Taxes in this State, or any one of them, may at any time present a petition to the Chief Justice of the county, praying that such Assessor and Collector may be required to give a new bond, and that he or they may be discharged from all liability for the future acts of such Assessor and Collector; whereupon it shall be the duty of said Chief Justice, whether in term-time or vacation, to cause a citation to be issued and served upon such Assessor and Collector, requiring him to appear on a day named in the citation, which may be in term time or vacation, and give a new bond. When such new bond has been required, an order to that effect shall be entered upon the minutes of the County Court, requiring such Assessor and Collector to give the bond in ten days from the date thereof; and until the new bond is given, the powers of the Assessor and Collector shall be suspended; and when the new bond is given, the securities on the former bond shall be discharged from further liability thereon.

Sec. 2. That if such Assessor and Collector shall fail to give the new bond required in ten days after the order requiring the same, his office shall be vacated, and the vacancy shall be filled as other vacancies in that office.

Sec. 3. That this act shall be in force from and after its passage.

Approved March 6th, 1863.

CHAPTER XXXVII

An Act supplementary to An Act, entitled An Act to punish speculations in certain cases.

Section 1. Be it enacted by the Legislature of the State of Texas, That if any person as agent for the family or families of Soldiers of the Confederate States, or of this State, or any other person, shall procure from the State Penitentiary any articles manufactured therein, and shall claim for and appropriate any portion thereof to his individual benefit, upon any pretext whatever, he shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not less than ten nor more than five hundred dollars for each offence. If any Quartermaster or Commissary, or person of the army of this State, or of the Confederate States of America, who is authorized or empowered to purchase supplies of any and every kind, for said army, shall be directly or indirectly interested in the purchase of such articles by himself or through an agent or agents, for his or their profits, or shall make profit or gain by such purchase beyond the fees or salaries allowed by law to them, he or they so offending shall be guilty of a felony, and shall be punished by confinement in the Penitentiary, at hard labor, for not less than two, nor more than ten years.

Approved March 6th, 1863.

CHAPTER XXXVIII.

An Act appropriating twenty thousand dollars, or so much thereof as may be necessary for the re-covering or repairing the roofs on the Capitol, the General Land Office, the old Land Office and Treasury buildings.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of twenty thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated to pay for re-covering or repairing the roofs of the Capitol, the General Land Office, the old Land Office, and the Treasury Buildings.

Sec. 2. That the Board of Commissioners of Public Grounds and Buildings, be, and they are hereby authorized to contract for the re-covering or repairing the roofs of said buildings, with such persons and on such terms as they may think most advantageous to the State.

Sec. 3. That the contracts entered into with said Commissioners for the re-covering of any of such buildings, shall require such building to be covered with good, sound heart cedar or red cypress shingles; said shingles to be at least eighteen inches long, not less than five-eighths of an inch thick and when put upon such roof shall not show more than four inches at the lower end. Said shingles shall not average more than four inches in width.

Sec. 4. Such work may be let out in one or more contracts; and by such contract or contracts said Commissioners shall not agree to pay more than three-fourths of the price agreed to be paid for the work specified in the same at the time of the completion of said work, and on the completion of every job of such work so contracted for, said Commissioners shall examine the same, and if they find such work well done, they shall receive the same and pay to the contractor doing the same three-fourths of the price agreed to be given for the same; the remainder of the price agreed to be paid for such work not to be due until the expiration of twelve months from the completion of such work; at the expiration of which time it shall be the duty of said Commissioners to re-examine said work, and if they then find the same to be water-tight and the work done in a good and workmanlike manner, they shall pay to such contractor the full amount agreed to be paid for such work.

Sec. 5. On entering into contract with any person or persons for the performance of such work, or any part of the same, it shall be the duty of such Commissioners to require of the person or persons agreeing to do such work, a bond, with two or more good and sufficient sureties, which bond shall be taken for double the amount agreed to be paid for the work contracted to be done; said bond shall be payable to the State of Texas, and shall be conditioned, that if said work be not done in accordance with the contract entered into between said Commissioners and such contractor or contractors, and in compliance with the provisions of this act, then such contractor or contractors, and his or their sureties, to be liable upon such bond for all the damages the State may sustain by such failure; said contract and bond both to be filed in the office of the Secretary of State.

Sec. 6. That neither the receiving of any job of such work by said Commissioners nor the payment by them of a part or the entire amount to be paid to the contractors mentioned in this act, shall operate as a discharge of the obligations contained in the bond required to be given; but said bond shall remain in full force and virtue until the expiration of three years from the time of the completion of the job of work mentioned in said bond. And, if at any time during said period of three years said Commissioners shall ascertain that the job of work mentioned in said bond has not been done in a good and workmanlike manner, and according to contract, they shall

deliver the bond of such contractor to the Attorney General and direct him to bring suit upon the same.

Sec. 7. That this act take effect from its passage.

Approved March 6th, 1863.

CHAPTER XXXIX.

An Act to provide for electing Senators and Representatives to the 10th Legislature, for the year 1863, in counties occupied by a public enemy.

Section 1. Be it enacted by the Legislature of the State of Texas, That in all cases where Senatorial or Representative Districts are, in whole or in part, occupied by a public enemy so that elections can not be held in such districts for members of the 10th Legislature, as required by law, the legally qualified electors of such district or districts may cast their votes at any precinct or precincts in the State for a citizen or citizens of their respective districts for Senators and Representatives to represent them in the 10th Legislature, and the several Chief Justices of the Counties where such votes shall be cast are hereby required to certify such votes so cast, and return the same to the Secretary of State, specifically stating the district for which such votes were given, and whether for Senator or Representative, under the same regulations as are prescribed in other cases; and the person or persons having the highest number of votes for the respective offices shall, on production of a certificate of the fact from the Secretary of State, be entitled to represent the district for which they were elected in the Senate or House of Representatives of the 10th Legislature, as the case may be.

Approved March 6th, 1863.

CHAPTER XL.

An Act to provide necessary assistance for Families and other dependents of Officers and Soldiers.

Section 1. Be it enacted by the Legislature of the State of Texas, That each County Court for administrative police in the respective county, is charged with the duty of providing necessary assistance for families and other dependents of officers and soldiers, who have been or may be in the military service of the Confederate States of America, or of this State, during the pending war with the United States of America; and the court shall conduct this business with appropriate regularity, keeping full minutes of its proceedings in a book, not containing any other matter; and such book shall be always subject to the inspection of any orderly citizen.

Sec. 2. Such business as may be transacted at any regular term of the court, or at any special term which may be ordered by the Chief Justice, he causing written notice thereof to be given to each County Commissioner, or left for him at his residence with some member of the family, or posted on his door, at least five days in advance of the time appointed for such special term.

Sec. 3. In such business the Court may obtain money, or other means, either by public appropriation or by private donation; and the court may so use any funds which it may now have, or may hereafter acquire, derived from taxation or other ordinary source; and the court shall raise funds therefor by extraordinary taxation, as may be proper to supply necessary assistance for the families or individuals to be provided for, so that their persons shall have suitable subsistence and comfort, and property in their charge

shall have prudent management to prevent loss or waste, and to promote appropriate income; provided such extraordinary taxes shall be collected, as needed, according to the State assessment as it may be from time to time; and further provided the amount of tax collected shall not exceed the sum of seventy-five cents on the one hundred dollars. Within ten days after the levy of the tax it shall be the duty of the County Court to report to the Comptroller of Public Accounts, by certificate under seal of the county, the rate of taxation so levied by such court; and on the receipt of such report by the Comptroller, it shall be his duty to notify the Assessor and Collector of each county in the State of the rate of taxation so levied by each of the several counties so reported to him.

Sec. 4. In such business the court may administer the means under its control, not only in any mode which may be prescribed by law, but consistently therewith, by any other suitable instrumentalities.

Sec. 5. Should the court fail to perform its duty, and so leave without adequate care any of the foregoing subjects, the District Court and Judge of the respective locality shall have jurisdiction to compel the County Court to perform its duty; and such jurisdiction may be exercised on the complaint of any person who may present such grievance, whether it be to himself or to any other person or persons from whom the complaint may be made; provided such control shall not be exercised until at least a majority of the members of the County Court shall have been cited to appear and answer the complaint; and the citation shall be executed at least ten days before the time for answering; and the mode of service shall be by giving a copy to the person or by leaving it at his residence with some member of his family, or posted on his door.

Sec. 6. This Act shall be cumulative of, and not a repeal of an "Act authorizing the County Courts of the several Counties in this State to levy and collect a special tax for war purposes on all property subject to taxation by the State," approved January 1st, 1862, but said Act shall be and remain in force.

Sec. 7. This Act shall be in force from its passage.

Approved March 6th, 1863.

CHAPTER XLI.

An Act to supply a deficiency in a certain appropriation for paying Officers and Soldiers of State Troops.

Section 1. Be it enacted by the Legislature of the State of Texas, That, in addition to the former appropriation of three hundred thousand dollars, the further sum of two hundred thousand dollars, or so much thereof as may be necessary, is appropriated out of any money in the Treasury not otherwise appropriated, to carry out the provisions of "An Act to provide for auditing and settling all claims against the State on account of volunteer companies, called out by the Governor or Committee of Safety, and for the defense of the State, and providing payment for the officers and men thereof," approved January 4th, 1862.

Sec. 2. This act shall be in force from its passage.

Approved March 6th, 1863.

CHAPTER XLII.

An Act to provide for the sale of Lots in the City of Austin.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Comptroller is authorized and required to sell all of the lots in the city of Austin not heretofore sold by the State, except such as have been reserved for public purposes, not embracing in this exception the lots around the Capitol grounds that remain unimproved, which are hereby subjected to sales.

Sec. 2. After six weeks notice by publication in one newspaper in each of the cities of Austin, San Antonio and Houston, the sale shall be made at the Comptroller's office, by public auction, to the highest bidder, for each lot, to be separately sold for prompt payment in Treasury warrants of this State.

Sec. 3. In the discretion of the Comptroller sale may be made, either of all the lots under one notice, or of portions under different notices.

Sec. 4. This act shall be in force from its passage.

Approved March 6th, 1863.

CHAPTER XLIII

An Act making further appropriation for the use and support of the State Government, for the years 1862 and 1863.

Section 1. Be it enacted by the Legislature of the State of Texas, That the following sums be, and they are hereby appropriated for the use and support of the State Government for the years 1862 and 1863, in addition to the sums appropriated by the act approved January 13th, 1862:

For the support of the Lunatic Asylum	\$10,000 00
Expenses incurred under the provisions of an act providing for disposition of runaway slaves, approved April 8, '61	2,000 00
For purchase of fire-wood and stationery, and for fitting up the Capitol for the next Legislature, and for taking care of the Capitol, and for repairing and taking care of the furniture	3,000,00
For extra clerk hire in State Department, in addition to former appropriation	500 00
For wood and porter hire in State Department	200 00
For additional appropriation to Secretary of State, for postage	100 00
For stationery to Secretary of State, additional	300 00
For additional appropriation for Adjutant General's Office for wood and porters	100 00
For additional appropriation for same, for postage	150 00
For additional appropriation for same, for stationery	300 00
To pay the salaries of Librarians of the Supreme Court at Galveston, Tyler and Austin	900 00
For postage for Executive Department	300 00
For stationery	300 00
For postage, for Comptroller's office	800 00
For stationery	1,000 00
For supplying the deficiency in the appropriation for taking scholastic census of 1862 and 1863	800 00
Audited claim of J. W. Magoffin, as allowed by S. A. Maverick, Thos. J. Devine and P. W. Lockett, to the audited and allowed by the Comptroller, on the certificate	

signed by them on the 3d December 1862	6,345 60
Pension of Cynthia Ann Parker, for the years 1862—'63.....	200 00
Sec. 2. That this act take effect from and after its passage.	
Approved March 6th, 1863 .	

CHAPTER LXIV.

An Act to amend the 2d section of and supplementary to an Act to perfect the organization of the State Troops, and place the same on a war footing," approved Dec. 25th, 1861.

Section 1. Be it enacted by the Legislature of the State of Texas, That the second section of the act recited above shall hereafter read as follows, viz:

All officers, State and County, of the State of Texas, except Coroners, Justices of the Peace, Constables and Notaries Public, and all officers of the Confederate States, including such clerks and employees as they by law are entitled to; officers, clerks, directory and guards of the Penitentiary; superintendents and teachers in the deaf and dumb, blind and lunatic asylums; professors and teachers of schools and academies having as many as twenty or more scholars; one captain, two pilots and two engineers to each steamboat actually in the service of the State or of the Confederate States; telegraphic operators, actually engaged as such; one apothecary for each apothecary store actually engaged in business; presidents, secretaries, superintendents, engineers, conductors and road masters of railroads; mail contractors and carriers; ferrymen on public roads, mechanics actually engaged in the manufacture of spinning jennies or cotton cards; persons having substitutes in the army of the Confederate States who were exempt from military service to the State of Texas; licensed ministers of the Gospel, and such millers as may be necessary to each steam or water mill that grinds for the public, and as many engineers as may be necessary for such steam mill in actual operation, shall be exempt from military service to the State of Texas as prescribed by this act.

Sec. 2. That during any invasion, insurrection or rebellion, whenever in the opinion of the Governor the interest of the State demands that the State Troops, or any portion of them, should be called into service, or whenever the President of the Confederate States shall call upon the Governor of this State to furnish an additional quota of soldiers for the prosecution of the present war, or upon a call upon the Governor by the General Commanding this department, the Governor shall, by proclamation, order into camp, from any one or more brigades, a sufficient number of troops to fill such requisition, or to quiet such rebellion, or insurrection, in the following manner, to-wit: He shall order the Brig. Generals of such brigades as to him may seem proper, to cause each Captain within his brigade to muster his company on any designated day, and cause the names of each and every commissioned, non-commissioned officer and private to be placed in a hat or box, and the proportion of said companies as may be ordered by the Brigadier General shall be drawn by the Captain, or any person whom he may designate, from the hat or box, and such persons as are drawn, shall immediately repair to the camp designated by the Governor, or Brigadier General. And it shall be the duty of the Brigadier General to proceed, immediately, to organize the troops drawn into service, within his brigade, into companies of not less than sixty-four, rank and file, and officered as is required by the laws of the Confederate States; and when so officered, may be transferred, by the Governor, into the service of the Confederate States, for a period of not more than twelve months, and shall not, by any commander, be carried beyond the lim-

its of the State of Texas. And the Brigadier General shall, upon the organization of such companies, forward a muster roll of each company to the Adjutant and Inspector General for preservation—provided, any citizen may have the privilege of volunteering if he desires.

Sec. 3. That Company, battalion and regimental drill is suspended during the continuance of the present war.

Sec. 4. That Enrolling officers, whilst engaged as such, shall be entitled to the pay of 2d Lieut. of Cavalry, to be paid out of the Treasury of the State, the same to be approved by the Brigadier General Commanding the brigade; and that this act be in force from and after its passage.

Passed March 7th, 1863.

JOINT RESOLUTIONS.

CHAPTER I.

Joint Resolution, in relation to an Express between the Mississippi and Rio Grande Rivers.

Whereas, The occupation of the Lower Mississippi by the enemy, and the peculiar condition of Texas, in consequence of the war, make it impossible, by the ordinary mails, to obtain the needful, early and reliable information from Richmond and the States East of the Mississippi River: And, Whereas, it is of the greatest importance, that during the war, rapid and correct information should be had between our posts on the Rio Grande and Richmond, through some point on the Mississippi—Therefore,

Be it Resolved by the Legislature of the State of Texas, That the Hon. Postmaster General be, and he is hereby requested, under authority of the Confederate States, to contract with some suitable person or persons to run a Pony Express, during the war, between Brownsville, on the Rio Grande, via San Antonio and Houston, to some safe point on the Mississippi, and back again, twice a week, the trips to be made, each way, in five days, if practicable, to carry letters only, and at such rates of postage as may be deemed right and proper by the Post Master General.

Approved February 9th, 1863.

CHAPTER II.

Joint Resolution.

Section 1. Be it resolved by the Legislature of the State of Texas, That the people of Texas, acknowledging with heartfelt gratitude the favor of God in the brilliant achievements of our Confederate armies, do hereby, formally and sincerely, tender to the Officers and Privates of the Military Service of the country, from the State of Texas, the thanks and praises they have so justly merited, by their self-sacrificing devotion to their country, and their many deeds of valor upon every battle-field of the Confederacy.

In the name of a gallant State and a gallant people we thank you. In the name of your mothers, your wives, and your sisters, we thank you for your gallant deeds.

You have won for yourselves imperishable renown. You have won for your State the highest honors.

Sec. 2. Resolved, That while our brave troops are battling so gloriously for the dearest interests of our people, we recognize it as a sacred obligation to provide for their comfort, and to support and cherish their families at home.

Sec. 3. Resolved, That the faith of the State of Texas is hereby pledged to our soldiers in the field, that their families shall be nourished and supported during the war.

Sec. 4. Resolved, That the Governor be instructed to have a copy of this resolution transmitted to every Texas regiment now in the service, with the request that it may be read out to every company.

Approved April 21st, 1863.

CHAPTER III.

Joint Resolution, in relation to the Indebtedness of the Confederate States.

Whereas, the Legislature of the State of Texas considers the faith of the Confederate States fully and sacredly pledged to the payment of all indebtedness which has been or may be incurred by the Confederate States, during the war between said Confederacy and the United States of America, and that should any State composing said Confederacy withdraw therefrom, from any cause, before the payment of such indebtedness shall have been fully completed, such withdrawing State shall be bound to the payment of her pro rata portion of such remaining indebtedness—Therefore,

Section 1. Be it Resolved by the Legislature of the State of Texas, That should the State of Texas, from any cause, withdraw her association as a member of the Confederate States, before the indebtedness of said Confederate States is fully paid, the faith of the State is hereby pledged to the payment of her pro rata portion of such remaining indebtedness, to whoever the same may be due.

Sec. 2. That the Governor of the State transmit to the President of the Confederate States, and to the Governor of each of said States, a certified copy of this resolution.

Approved February 27th, 1863.

CHAPTER IV.

Joint Resolution, in relation to Public Printing.

Section 1. Be it Resolved by the Legislature of the State of Texas, That during the continuance of the war between the Confederate States and the United States, the Secretary of State, Comptroller and Treasurer, or a majority of them, are required to procure to be done, all such printing as may be necessary for the use of the State, under existing laws; and, in so doing, they shall be governed as nearly as may be by the existing laws regulating the public printing, but may depart therefrom as to prices to be paid, and other matters, so far as may be necessary, in order to accomplish said object.

Sec. 2. This Joint Resolution shall be in force from and after its passage.

Approved March 6th, 1863.

CHAPTER V.

Joint Resolution, concerning certain Salines.

Resolved, That the Military Board be instructed to inquire into the expediency of working certain Salines and salt works near Double Mountain, on the North-western frontier of this State; and, that should they deem the enterprise expedient, they will immediately take such measures as may be necessary for working the same, under the supervision of State authority; and that the sum of five thousand dollars, or so much thereof as may be necessary, be appropriated out of any funds in the Treasury, not otherwise appropriated, for the purpose of putting the same in successful operation.

Approved March 6th, 1863.

CHAPTER VI.

Joint Resolution, in response to Joint Resolution of the General Assembly of the State of Florida, approved December 11th, 1862.

Whereas, With nations as with individuals, the consciousness of sympathy and support strengthens and encourages them in the struggle, in the onward path of duty, against difficulty and danger, and operates as an incentive to renewed exertion—Therefore,

Resolved, 1. That the people of Texas fully appreciate the pledge of sympathy and assistance tendered by the General Assembly of the State of Florida, to her sister States of the Confederacy, by joint resolution, approved December 11th, 1862. That from the acknowledged gallantry of the people of that State, nothing less could have been expected—more it would not be possible for them to offer.

Resolved 2. That while the people of Texas cannot hope to surpass the devotion to a common cause manifested by their gallant compatriots of Florida, they trust that when the history of the present war has been written, it will show that Texans have stood shoulder to shoulder with the people of any State of this Confederacy, in battling for their rights, to sustain which they mutually stand pledged.

Resolved 3. That we reiterate the sentiments contained in joint resolution of this body, approved January 13th, 1862, pledging Texas to the devotion of her every energy to the prosecution of the present war until its successful termination in a peace, concluded upon the basis of the unqualified recognition of the independence of the Confederate States.

Resolved 4. That the Governor of this State be requested to forward a copy of these resolutions to the Governor of the State of Florida.

Approved March 6th, 1863.

CHAPTER VII.

Joint Resolution, concerning Retaliation.

Resolved by the Legislature of the State of Texas, That we heartily approve of the proclamation of the President of the Confederate States, to retaliate for the iniquities of Gen. Ben Butler, (better known as Butler the Beast,) in the State of Louisiana, as well as his retaliation proclamation against General McNeill, for the murder of citizens in the State of Missouri, and we trust that retaliation will be strictly and rigidly practiced by our government in all such cases of outrage, and we pledge the people of this State to sustain the President of the Confederate States in all his measures of retaliation against those who outrage humanity by such an utter disregard of the rules of civilized warfare.

Resolved. That the Governor of this State transmit a copy of this resolution to our members in Congress, and that they lay it before the President.

Approved March 6th, 1863.

CHAPTER VIII.

Joint Resolution providing for the payment of the expenses of the investigation, by the Joint Committee of both Houses, of the condition of the Penitentiary.

Be it Resolved by the Legislature of the State of Texas, That the members of the Joint Committee raised at this Session of the Legislature to examine the condition of the Penitentiary shall be entitled to the same mileage in travel-

ing to and from Huntsville as members of the Legislature in traveling to and from the Legislature, and the same per diem pay while there discharging their duties as members of the Legislature: and the Chairman of the Committee shall be authorized to give certificates of mileage and per diem to the members of the Committee, and for all other expenses necessarily incurred in the progress of their investigations, and the Comptroller shall draw his warrant upon the Treasurer for such amounts as shall appear to be due on such certificates, to be paid out of the contingent fund of this Legislature, and the Committee shall have authority to adjourn at the close of the present Session to meet for the discharge of their duties at Huntsville on the 6th of April next.

Approved, March 6, 1863.

CHAPTER IX.

Joint Resolution, requesting His Excellency, the Governor, to disband all military organizations known as the Coast Guards or Spy Companies.

Section 1. Be it Resolved by the Legislature of the State of Texas, That it is the opinion of this body that the necessities which may have justified such military organizations, as above indicated, have ceased to exist, having been fully covered by a prudent and competent Confederate force, which can perform all the services which was contemplated to be performed by said companies.

Sec. 2. It is further Resolved, That in the opinion of this body, his Excellency would be acting in compliance with the wishes of a large majority of the citizens living within the counties in which these organizations have been made, that they be forthwith disbanded and ordered to be enrolled among the militia within their respective brigades.

Passed March 7th, 1863.

CHAPTER X.

Joint Resolution, in regard to Trade.

Sec. 1. Resolved, That the power to regulate commerce is, by the Constitution of the Confederate States, vested in Congress: and that the power assumed by the military authorities of this department, to allow, control and prohibit the exportation and transportation of cotton, is unwarranted in law, is an encroachment upon the rights of the people and upon the power of Congress, and is an exercise of power which Congress itself has refused to exercise by act approved 21st May, 1861, and which tends to the impoverishment of one portion of the people, and to the aggrandizement and corruption of another, and to expel the planter and lawful trader from the market, to create monopolies, and to cause scarcity of supplies and consequent high prices.

Sec. 2. That our Senators in Congress be instructed and our Representatives requested to see that the Rio Grande trade is not unlawfully closed or obstructed and that such regulations be prescribed to the officers of customs as may be necessary to secure to the people the benefits of said trade and a return of supplies and that the Governor forward a copy of these Resolutions to our Senators and Representatives in Congress.

Passed March 7th, 1863.

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THE STATE OF TEXAS,
DEPARTMENT OF STATE.

I, R. J. Townes, Secretary of State of the State of Texas, do certify that the Extra Session of the Ninth Legislature of said State, convened, in accordance with the Proclamation of the Governor, at Austin, on Monday, the second day of February one thousand eight hundred and sixty-three, and adjourned on Friday, the 6th day of March the same year.

And, I further certify that, the acts and resolutions contained in this volume, are true copies, taken from the original rolls deposited in this Department, which have been carefully compared.

Given under my hand, and the Seal of the Department of State affixed, at the
the City of Austin on the seventh day of June one thousand eight hun-
[L. s.] dred and sixty three.

R. J. TOWNES,
Secretary of State.

SPECIAL LAWS
OF THE
EXTRA SESSION
OF
THE NINTH LEGISLATURE
OF
THE STATE OF TEXAS

PUBLISHED BY AUTHORITY

AUSTIN
1863

SPECIAL LAWS

CHAPTER I.

An Act to release to the heirs of Colonel Benjamin F. Terry, all the right, title and interest, of the State of Texas, in and to the property owned by said Terry, at the time of his death, and devised by his last will.

Whereas, Colonel Benjamin F. Terry, of the County of Fort Bend, and State of Texas, commanding the Regiment of Texas Rangers, died heroically fighting in the cause of Southern Independence, at Woodsonville, Kentucky, on the 17th day of December, 1861, and doubts have arisen as to the effect of a devise contained in his last will, duly admitted to Probate in the County Court of Fort Bend County—Therefore,

Section 1. Be it enacted by the Legislature of the State of Texas, That all right, title, and interest, legal or equitable, existing, or which by legal proceedings, might be established in behalf of the State of Texas, in and to all the property belonging to Col. Terry at his death, and devised in his last will, be and the same is hereby relinquished, released, surrendered and conveyed to the heirs of said Col. Benjamin F. Terry; and the same, so far as the State of Texas is concerned or has interest, shall descend and pass to them in the same manner as if said Terry had died intestate as to the same.

Sec. 2. This act shall be in force from and after its passage.

Approved February 25th, 1863.

CHAPTER II.

An Act to revive and continue in force, "An act entitle 'An act to incorporate the Galveston and Houston Junction Railroad Company,'" approved, April 8th, 1861, and to amend said act.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Act, entitled "An act to incorporate the Galveston and Houston Junction Railroad Company," approved April 8th, 1861, be and the same is hereby revived and continued in force as fully and with the same effect as though the Railroad contemplated to be built, and connection made, under and by the provisions of said act of incorporation, had been fully completed before the first day of January, A. D., 1863.

Sec. 2. The fourth section of said act is hereby amended, so that the same shall hereafter read as follows, to-wit: "The capital stock of said company shall not exceed the sum of five hundred thousand dollars, divided into shares of one hundred dollars each, and the persons who were acting as President and Directors of said Company, on the thirty-first day of December, A. D., 1862, together with J. S. Sydnor, shall be considered, and act as such Presi-

dent and Directors of said Company until the regular time fixed by the By-Laws of said Company in force previous to January 1st, 1863, shall have arrived, when the stockholders may elect a new Board of Directors, and other officers, as provided by the by-laws of the Company. Said Company may make all By-Laws and regulations for the Government of the same and its affairs, not in contravention of the laws of the State, and may alter the same at pleasure; and the rights of all persons who were stockholders in said Company, on the 21st day of December, 1862, are hereby fully preserved as Stockholders therein, under this act, and the said original charter. The principal office of said Company shall be kept at the City of Galveston, but the Company may, at their option, keep such office at the City of Houston, during the continuance of the war between the Confederate States and the United States. Said Company may acquire and hold such Railroad locomotives, and rolling stock, and fixtures, as they may think proper, and may, at their option, rent or hire the same to any other Railroad Company; and the right of way for their Railroad, and all rights of property, and action acquired by said Company, previous to December 31st, 1862, are hereby fully vested in said Company, under this act and said original charter."

Sec. 3. The fifth section of said act is hereby amended, so that the same shall hereafter read as follows, to-wit: "Said Company shall complete said road, and make said connection between the Galveston, Houston and Henderson, and Texas Central Railroads, of the same gauge as those roads, on or before the 1st day of January, A. D., 1864, unless prevented by the public enemy, in which event they shall complete the same, within six months after the close of the war between the Confederate States and the United States."

Sec. 4. This act shall be in force from and after its passage.

Approved February 25th, 1863.

CHAPTER III.

An Act for the relief of the parties holding lands under Daniel Monroe.

Section 1. Be it enacted by the Legislature of the State of Texas, That all that portion of land sold by Daniel Monroe, as his head-right league, on Little River, in Milam County, between what is known as the Robertson Block and the grant to said Monroe, and which has been declared by the Supreme Court of the State of Texas, to be vacant land, is hereby ceded to parties holding under Monroe, and all right of the State of Texas to said land is relinquished to the purchasers of Monroe, and those holding under him.

Sec. 2. That this act be in force from and after its passage.

Approved February 27th, 1863.

CHAPTER IV.

An Act to incorporate the Comal Manufacturing Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That John F. Torrey, Henry Runge, Hermon A. H. Runge, and their associates and successors, be and they are hereby constituted and declared, to be a body politic and corporate, under the name and style of "The Comal Manufacturing Company," with capacity to make contracts, to have succession, and a common seal, to make by-laws for the government and regulation of its affairs, and in said corporate name, to sue and be sued, to buy, receive, and possess, movable and immovable property, and to sell, alienate and dispose of the same, and generally to do and perform all such acts and things as may be necessary

and proper for, or incident to the fulfillment of its objects, or maintenance of its rights under this act, and consistent with the Constitution of this State.

Sec. 2. The said Company shall have the right, power, and authority to own, erect, establish, maintain, and operate machinery, and buildings with all necessary fixtures, in Comal County, for the manufacture of cotton or woolen goods, or such other articles as said Company may at any time choose to manufacture.

Sec. 3. The capital stock of said Company shall not, at any time exceed five hundred thousand dollars, to be divided into shares of one hundred dollars each, and the holders of such shares shall constitute said Company, and each member shall be entitled to one vote, in person or by written proxy, for each and every share, he or she may own upon the books of the Company, and under such rules and regulations as may be, from time to time, prescribed by the by-laws of said Company.

Sec. 4. The capital stock of said Company shall be transferable, only upon the books of said Company, in such manner, and subject to such rules and regulations, as the majority of the stockholders may, from time to time, prescribe.

Sec. 5. All the corporate powers of the Company shall be exercised by a Board of Directors, composed of not less than three nor more than nine stockholders, to be elected on the first Tuesday in January, of each year, at the office of said Company, which shall be kept at the town of New Braunfels, in Comal county, State of Texas—Provided, that the first election may be held immediately after the organization of the Company, and the Board so elected shall continue in office until the first annual election thereafter, and until their successors are elected. In all elections, those persons receiving a plurality of votes shall be considered duly elected, and, in the event of no election taking place on the day herein appointed, the President shall cause another election to be held within thirty days thereafter, and give public notice of the same. No person shall be eligible to fill the office of Director unless he be the owner of, at least, ten shares of the capital stock of said Company, standing on the books of the Company, in his name, for at least thirty days, next preceding the day of election; and, in case of failure to elect at the stated time, the Board of Directors, then in office, shall continue in office until there be an election.

Sec. 6. The Board of Directors shall elect a President from their number, fill vacancies, and appoint such other officers and agents as they may deem necessary, and remove the same at pleasure, and require security for the faithful performance of their duties. Said Board shall also prescribe the time for the payment of installments, or assessments upon stock, and the amount of such installments or assessments; shall have the right to declare the forfeiture of such stock for non-payment, and do, or cause to be done, all other acts and things which they deem necessary or proper, in conducting the affairs of said Company. A majority of said Board of Directors shall constitute a quorum for doing business, and the Board shall have the right to appoint a Vice-President from their number, to act in case of the absence of the President.

Sec. 7. All the instruments of writing executed by the President, or in his absence, by the Vice-President, and by the Secretary, under the seal of the Company, with the consent of the Board of Directors, shall be valid and binding on the Company.

Sec. 8. After said Company shall be organized and commence business, its capital stock and property shall be exempt from all taxes for the term of five years.

Sec. 9. This act shall take effect and be in force from and after its passage, and continue for twenty-five years.

Approved March 2nd, 1863.

CHAPTER V.

An Act to incorporate the "Jackson Manufacturing Company."

Section 1. Be it enacted by the Legislature of the State of Texas, That S. P. & B. P. Hollingsworth, of the State of Texas, and James Crow, of the State of Alabama, their associates and successors be, and are hereby constituted and declared to be a body politic and corporate, under the name and style of the "Jackson Manufacturing Company," with capacity to own property, real and personal, make contracts, to have succession, a common seal, to make by-laws for its government, and in its corporate name, sue and be sued, to grant and receive, and, generally, to do and perform such acts and things as may be necessary and proper for, or incident to the fulfillment of its objects, or maintenance of its rights, under this act, and consistent with the provisions of the State Constitution.

Sec. 2. That the said Company be, and is hereby established, with the right to erect, own, maintain and operate a woolen and cotton manufactory, and other articles, separately or conjointly, at such place or places as said Company may select.

Sec. 3. That the capital stock of said Company shall be divided into shares of one hundred dollars each, and the holders of said shares shall constitute said Company, and said capital stock shall not exceed two hundred thousand dollars.

Sec. 4. That the affairs and business of said Company shall be conducted by a Board of Directors, not less than three nor more than five, who shall be elected by the stockholders, at such time as may be appointed, and annually thereafter,—Provided, that in case of failure to elect at the stated time, the Board of Directors, incumbent, shall continue in office until there be an election, the time for which may be fixed by said Board, whereof, reasonable notice shall be given.

Sec. 5. That no person shall be eligible as a Director unless he is a member of the Company. The said Board shall elect a President from their number, fill vacancies, and appoint such officers as they may deem necessary, and require security for the faithful performance of the duties, also, prescribe the time for the payment of installments or assessments, to declare the forfeiture of such stock for non-payment, and to do, or cause to be done, all other acts or things, which they may deem necessary, or proper, in the conducting the business of said company. A majority of said Board of Directors shall constitute a quorum to do business.

Sec. 6. That the parties named in this act are hereby appointed Commissioners, and invested with the right of organizing said Company, and, that this charter shall expire at the end of twenty-five years from the passage of this act.

Sec. 7. That this act shall take effect from its passage.

Approved March 2nd, 1863.

CHAPTER VI.

An Act to authorize the County Courts of Smith and Walker Counties to order, and cause to have collected immediately, the Special Tax, known as the War Tax.

Section 1. Be it enacted by the Legislature of the State of Texas, That the County Courts of Smith and Walker Counties be, and they are hereby authorized to order, and cause to be collected immediately, the Special Tax, known as the War Tax; and levied under the provisions of "An Act authorizing the County Courts of the several Counties in this State, to levy and collect a special tax, for war purposes, on all property subject to taxation by the State:" approved January 1st, 1862.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved March 2nd, 1863.

CHAPTER VII.

An Act to authorize the establishment of Ferries, at the crossings of the Waco and Austin road, on the Lampasas and Leon Rivers, in the County of Bell, without obtaining license.

Section 1. Be it enacted by the Legislature of the State of Texas, That any person or persons are hereby authorized and empowered to establish and keep ferries, without obtaining license therefor, paying tax on entering into bond, at the crossings of the Austin and Waco, roads, on the Lampasas and Leon Rivers, in the County of Bell, being liable, only, as common carriers.

Sec. 2. That the County Court of Bell County shall establish the rates of ferriage across said streams, and the ferrymen shall keep posted up at their ferries, a list of said rates, and if any such ferryman shall charge, and receive from any person, a higher rate of ferriage than has been established for his ferry by the said Court, he shall forfeit and pay to such person, five dollars for each and every such offence, to be recovered by action before any Justice of the Peace of said Bell County, with costs of suit, and the oath of the complainant shall be received in evidence.

Sec. 3. That this act take effect and be in force from and after its passage.

Approved March 2nd, 1863.

CHAPTER VIII.

An Act to incorporate the Dallas Male and Female College.

Section 1. Be it enacted by the Legislature of the State of Texas, That J. M. Patterson, W. H. Thomas, M. T. Johnson, R. M. Gano, A. M. Moore, J. W. Throckmorton, P. Taylor, T. C. Hawpe, B. W. Stone, J. J. Good, S. B. Pryor, J. J. Eakins, A. C. Halleck, R. B. Scott and John N. Bryan, and their successors in office, be and they are hereby constituted a Board of Trustees, of the Dallas Male and Female College, established in the town of Dallas, in Dallas County, and State of Texas, and which by this act, is incorporated by the name of the "Dallas Male and Female College," with perpetual succession for the term of fifty years: and, by which name, may sue and be sued, plead and be impleaded, buy and sell property real, personal and mixed—may have a common seal, and do and perform any and all act or acts that may be necessary to carry out the provisions of this act, for the benefit of said College: and may establish such rules and laws for the government of the same as may be deemed necessary, and which may not be inconsistent with

the Constitution and laws of the State of Texas, or of the Confederate States, and in short may do and perform all other acts incident to similar institutions, for the benefit of the same.

Sec. 2. That said College shall have a male and female department, in which shall be taught all branches of education usually taught in institutions of a similar character, to which may be added the science of war, and shall be open to pupils of any religious denomination, but shall never become sectarian in its character, nor shall the peculiar doctrines of any religious denomination ever be taught therein.

Sec. 3. That said Board, and their successors in office, shall have power to receive as donations, or otherwise, any lands, tenements, moneys, rents, goods, chattels and effects that may be given, granted, donated or devised to said College, for the purpose of education, not to exceed in value, exclusive of the College buildings and College grounds, two hundred thousand dollars.

Sec. 4. That the persons hereinafter named shall constitute the first Board of Trustees, and shall hold their office as hereinafter provided. Said Board shall be divided into three classes, and numbered first, second and third classes; the classes to be determined by lot, and the said Board shall be self-created. The first class shall hold their office one year from the fourth Wednesday in June, 1863, at the expiration of which time an election shall be held to fill their vacancy. The second class shall hold their office for two years from the fourth Wednesday in June, 1863, at the expiration of which time an election shall be held to fill their vacancy. The third class shall hold their office for three years from said fourth Wednesday in June, 1863, at the expiration of which term an election shall be held to fill their vacancy; and thus an election of one of said classes shall be held annually thereafter, on the fourth Wednesday in June in each and every year to fill vacancies. The members of said Board shall be the electors in effecting their own succession, the President only having a vote in case of a tie. All elections by said Board shall be by ballot, under such rules as said Board may prescribe. The President, Secretary and Treasurer to be elected by said Board, and to hold their offices for such term and time as their by-laws may direct, and may be dismissed from office for any cause upon a vote of two-thirds of said Board.

Sec. 5. That said Board shall have the power to employ a President and all necessary Professors and teachers for said College, and may dismiss them at pleasure. The President and Professors of said College shall have power to confer all the literary, scientific and other degrees usually conferred in similar institutions.

Sec. 6. That said Board shall be organized by the first day of June, 1863, and as early as practicable thereafter, and within three years therefrom shall procure and employ a teacher in military science, who shall instruct such male pupils as may desire the same, over the age of ten years, and who may be physically able to perform military duty in the science of arms.

Sec. 7. That said Board shall have a regular semi-annual meeting on the 4th Wednesday in January and June in each year, and at any other time when five of its members may so require, and give five days previous notice of the time to a full quorum of the other members. Any seven of said Board shall constitute a quorum to do business.

Sec. 8. That all conveyances of property of said College, made by said Board may be acknowledged by the President of said Board, as required by law of private persons, and every diploma awarded to any student of said College shall be signed by the President and Professors of said College, and may be countersigned by the President of said Board of Trustees in his official capacity.

Sec. 9. That said Board of Trustees shall attend the regular commencement, at the close of each session of ten months, at which time a full report in regard to said institution shall be prepared and signed by the President and Faculty of the institution and endorsed by the President and Secretary of said Board of Trustees.

Sec. 10. That this act take effect and be in force from and after its passage.

Approved March 3, 1863.

CHAPTER IX.

An Act to authorize the County Courts of Bastrop and other counties herein named, to regulate the pay of Sheriffs of said counties, in certain cases.

Section 1. Be it enacted by the Legislature of the State of Texas, That the County Courts of Bastrop, Kaufman, Van Zandt, Henderson, Red River, Titus, Tarrant, Collin, Grayson, DeWitt, Denton, Wilson, Fayette, Lavaca, Davis, Bowie, Gonzales, Ellis, Anderson, Rusk, Panola, Falls, Freestone, Wood, Lamar, Hidalgo, Guadalupe, Hill, Upshur, Trinity, Cameron and Starr counties be, and they are hereby authorized to allow the Sheriffs thereof, for summoning jurors in the District Court, serving election notices, notice on overseers of roads, attending on the District and County Courts, and doing all other business not provided for, such sum or sums of money as said Court may deem sufficient for said service, not to exceed two hundred dollars, to be paid out of the Treasury of said county.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved March 4, 1863.

CHAPTER X.

An Act to incorporate the Texas Paper Manufacturing Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That David Richardson, of the County of Travis, Samuel Mather, of the County of Williamson, and Dr. Theodoer Koester, of the County of Comal, are hereby created a body corporate, by the name of the "Texas Paper Manufacturing Company," and by that name to make contracts, to have a common seal, to make by-laws for its government, and the regulations of its affairs, to sue and be sued, to plead and be impleaded; may transfer their rights by succession or assignment, and also by that name and style they and their successors may purchase, hold and convey such real and personal estate as may be necessary for the purpose of carrying out the objects of this charter.

Sec. 2. That said Company shall have the right to erect and establish, in the County of Comal, machinery and establishments for the manufacture of paper, and operate the same.

Sec. 3. That the capital stock of said Company shall be Fifty Thousand Dollars, to be divided into Fifty Shares of One Thousand Dollars each, and said company shall have authority to increase said capital to One Hundred Thousand Dollars.

Sec. 4. That the affairs of said Company shall be managed by a Board of five Directors, each of whom shall own at least five Shares of the Capital stock of said Company. A majority of said Directors shall constitute a quorum to do business, and shall have power to appoint a President from

their own number, and to fill all vacancies that may occur in the Board of directors, from death, resignation, or otherwise. After the first election of directors, by virtue of this Act, all subsequent elections shall be held at such time and place as they shall appoint. In case of failure to elect said directors at such time and place, the Corporation shall not be dissolved for that cause, but the President and Directors previously elected shall continue to perform their duties until successors are chosen.

Sec. 5. That the Directors shall be chosen by the Stockholders of said Company, and that each Stockholder shall have one vote for each Share that he may own, and vote in person or by proxy.

Sec. 6. That the President and Directors of said Company shall have full authority to adopt all such Rules, Regulations and By-Laws as they may consider necessary to effect the object of this Act of Incorporation, not inconsistent with this Act or the Laws of the State, and may appoint or remove at pleasure all agents or other employees necessary to transact the business of said Corporation.

Sec. 7. That every person subscribing for any of the Capital Stock of said Company, shall pay such proportion thereof at the time of subscribing as may be directed by the terms of original subscription lists, and after the election of the first Board of Directors, the balance shall be paid at such times and upon such terms as said Directors may designate. That in all cases where further payment may be required, notice thereof shall be duly given at least thirty days before said payment.

Sec. 8. That if any Stockholder shall fail or refuse to pay the balance of his subscription at the time required by said Directors, it shall be lawful at any time after due notice has been given, in accordance with the preceding section of this Act, for said Directors to sell the Shares of said Stockholders at public auction, after ten days previous notice of said sale has been given by public advertisement, and the purchaser of said Shares shall be subject to all the liabilities, and entitled to all the benefits of the defaulting Stockholder. Provided said Manufactory goes into operation during the present war, it shall be exempt from taxation for five years.

Sec. 9. That this Act shall be in force and take effect from and after its passage. Approved March 5, 1863.

CHAPTER XI.

An Act to incorporate the Houston Mutual Aid Association.

Section 1. Be it enacted by the Legislature of the State of Texas, That Charles S. Longcope, Thomas M. Bagby, Alexander McGowen, Thomas W. House, William J. Hutchins, James Sorley and Jathem L. Briggs, and such other persons as they may hereafter associate with under the provisions of this act be, and they are hereby constituted a body politic and corporate under the name and style of "The Houston Mutual Aid Association," by which name they and their successors or assigns are declared capable in law of suing and being sued in any of the courts of this State; of holding property, real, personal and mixed; of selling and conveying the same at will; of having a common seal, and of doing and performing whatever may be proper and necessary to be done for the conducting and management of a general mercantile business, not contrary to the Constitution and laws of the State.

Sec. 2. That said Association may organize with such officers, and may enact such By-laws for its government as may, from time to time, be deemed

necessary and proper, and shall have all such rights and privileges as are by law incident to or necessary for corporations of a similar character.

Sec. 3. That this act shall take effect from and after its passage and remain in force during the continuance of the present war between the Confederate States and the United States, and for the term of twelve months thereafter.

Approved March 5, 1863.

CHAPTER XII.

An Act to incorporate the Texas Iron Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That J. S. Nash, Wm. Nash, James Alley, H. P. Perry, Josiah D. Perry, Jonathan Adams, R. R. Haynes and Thomas D. Powell, citizens of the State of Texas, their associates and successors be, and are hereby created a body corporate and politic under the name and style of the "Texas Iron Company," with capacity to own property, real and personal, in such quantities as may be necessary for the legitimate objects of this corporation, make contracts, have succession and a common seal, to make by-laws for its government, and in their corporate name to sue and be sued, to grant and receive, and generally to do and perform such things and acts as may be necessary and proper for or incident to the fulfilment of their objects or maintenance of their rights under this act, not inconsistent with the Constitution of the State.

Sec. 2. That said Company is hereby created with the right to erect, own, maintain and operate a manufactory of iron and steel of every description whatever, and all other articles of which iron or steel may form a part, at such place or places as said Company may select, within the counties of Marion and Davis.

Sec. 3. The capital stock of said Company shall be divided into shares of one hundred dollars each, and the holders of said shares shall constitute said Company, and said capital stock shall not exceed one million dollars.

Sec. 4. The corporators mentioned in section 1st of this act shall, within ninety days from its passage, cause an election to be held for a Board of Directors, of not less than three nor more than seven in number, who shall be elected by the stockholders at such time and place as may be appointed, and annually thereafter; provided that in case of failure to elect at the stated time, the Board of Directors incumbent shall continue in office until there be an election, the time for which shall be fixed by said Board, whereof notice shall be given, as required by law governing other corporations. The corporators under this act shall be considered a Board of Directors until the first election of Directors has taken place.

Sec. 5. No person shall be eligible as a Director unless he is the owner of at least ten shares of stock of the Company. The said Board shall elect a President from their number, fill vacancies until the next succeeding stockholders' meeting, and appoint such officers as they may deem necessary, and require security for the faithful performance of their respective duties; also, they shall have power to prescribe the time and place for the payment of installments or assessments on stock, declare the forfeiture of stock for non-payment, and to do or cause to be done all other acts and things which they may deem necessary and proper in conducting the business of said Company. A majority of the Board of Directors shall constitute a quorum for the transaction of business, but in no case shall a Director vote by proxy.

Sec. 6. This act shall take effect from its passage, and be in force for the period of twenty-five years.

Approved, March 5, 1863.

CHAPTER XIII.

An Act to incorporate the Texas Lead and Copper Mine Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That Louis Wells, Josephus M. Steiner and Geo. W. White, and their associates and successors, are hereby declared a body corporate and politic by the name and style of the "Texas Lead and Copper Mine Company," and by that name they, their associates and successors shall be capable of suing and being sued, plead and be impleaded in all the courts of this State, and shall be capable in law of contracting and being contracted with, and acquiring, by purchase, donation or otherwise, property, real, personal and mixed, holding and conveying the same as said corporation may think proper.

Sec. 2. That the State of Texas doth hereby relinquish to said corporation all the right, title and claim which the said State of Texas has in and to all minerals that may be found on any patented land or located lands which said Company may select and purchase for the manufacture of lead or working of copper, provided the amount does not exceed twelve hundred and eighty acres; and, provided further, that the manufacture of lead and copper by said Company shall be commenced within twelve months from the passage of this act.

Sec. 3. That the charter of said Company shall be in force for twenty years, and that this act be in force from and after its passage.

Approved March 5, 1863.

CHAPTER XIV.

An Act to repeal an act entitled "An Act concerning the Alamo Ditch in the city of San Antonio, and to regulate irrigation therefrom," approved April 8th, 1861.

Section 1. Be it enacted by the Legislature of the State of Texas, That an act entitled "An Act concerning the Alamo Ditch, in the city of San Antonio, and to regulate irrigation therefrom," approved April 8, 1861, be, and the same is hereby repealed, and that the Alamo Ditch, in the city of San Antonio, be and remain under the control of the city authorities of San Antonio, as it was before the passage of the above recited act.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved March 6, 1863.

CHAPTER XV.

An Act to suspend the corporate authority of the town of San Patricio.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Corporate authority of the town of San Patricio shall suspend all action in business affecting the interests of said town or the county of San Patricio, until twelve months after the close of the pending war between the Confederate States of America and the United States of America.

Sec. 2. This act shall be in force from its passage.

Approved March 6, 1863.

CHAPTER XVI.

An Act to incorporate the San Antonio Mutual Aid Association.

Section 1. Be it enacted by the Legislature of the State of Texas, That the officers and members of the "San Antonio Mutual Aid Association," as now organized, be and they are hereby constituted a body corporate and politic under the name and style of the "San Antonio Mutual Aid Association," and by that name they and their successors are declared capable in law of suing and being sued in any of the courts of this State, of holding property, real, personal and mixed, of selling and conveying the same at pleasure, of having a common seal, and of doing and performing whatever may be proper and necessary to be done for the conducting of a general mercantile establishment, not contrary to the Constitution and laws of this State.

Sec. 2. That the officers and members of said Association may enact such by-laws for their government as they may, from time to time, deem necessary and proper: and shall have all such rights and privileges as are by law incident to or necessary for corporations of a similar character, and that this act take effect from and after its passage, and shall continue in force until one year after the close of the war between the Confederate States and the United States.

Approved, March 6, 1863.

CHAPTER XVII.

An Act to incorporate the Columbus Mutual Aid Association.

Section 1. Be it enacted by the Legislature of the State of Texas, That C. W. Tait, Stephen Harbert, E. P. Whitfield, Isam Took, A. M. Campbell and such other persons as they may hereafter associate with them under the provisions of this act, be, and they are hereby constituted a body politic and corporate, under the name and style of the Columbus Mutual Aid Association, by which name they and their successors or assigns are declared capable in law, of suing and being sued in any of the courts of this State, of holding property, real, personal and mixed, of selling and conveying the same at will, of having a common seal, and of doing and performing whatever may be proper and necessary to be done for the conducting and management of a general mercantile business, not contrary to the Constitution and laws of the State: provided that after the persons incorporated shall supply themselves, they shall sell to families of soldiers at cost.

Sec. 2. That said Association may organize with such officers and enact such by-laws for its government as may, from time to time, be deemed necessary and proper, and shall have all such rights and privileges as are by law incident to or necessary for corporations of a similar character.

Sec. 3. This act shall take effect from and after its passage, and remain in force during the continuance of the present war between the Confederate States and the United States and for the term of twelve months thereafter.

Approved March 6, 1863.

CHAPTER XVIII.

An Act to incorporate the Caldwell County Mutual Aid Society.

Section 1. Be it enacted by the Legislature of the State of Texas, That E. Heppenstall, O. O. Searcy, W. A. Clark, W. S. Carpenter, J. S. Proctor, W. R. Cowan and G. W. Shoof, and others whom they may associate with

them, be, and they are hereby created a body politic and corporate to be known by the name and style of the "Caldwell County Mutual Aid Society," and by that name may sue and be sued in any court of law or equity, and may have a common seal.

Sec. 2. The capital stock of said Company shall not exceed twenty-five thousand dollars, to be divided into shares of fifty dollars each. The Association may organize by electing a President and five Directors, who shall be stockholders, and when organized the said President and Directors shall have the management of the Association.

Sec. 3. The said Company may purchase and deal in any kind of provisions, family supplies and merchandise, and after supplying themselves, they may sell the remainder of said provisions, supplies and merchandise, provided that they shall sell to the families of soldiers at cost, carriage and expenses, and to others at a profit not exceeding twenty-five per cent on cost, carriage and expenses; the object of the Association being mutual aid in procuring supplies for the needy and protection against speculators and extortioners.

Sec. 4. This act to be in force from its passage and remain in force for twelve months after the ratification of a treaty of peace between the Confederate States and the United States.

Approved March 6, 1863.

CHAPTER XIX.

An Act to incorporate the Washington County Mutual Aid Association.

Section 1. Be it enacted by the Legislature of the State of Texas, That A. H. Ripetoe, Jno. P. Key, J. D. Giddings, Gilbert Buchanan, N. Kavanaugh and Jno. H. Dawson, and such other persons as they may hereafter associate with them under the provisions of this act, be, and they are hereby constituted a body politic and corporate under the name and style of the Washington County Mutual Aid Association, by which name they and their successors or assigns are declared capable in law of suing and being sued in any of the courts of this State, of holding property, real, personal and mixed, of selling and conveying the same at will, of having a common seal, and of doing and performing whatever may be proper and necessary to be done for the conducting and management of a general mercantile business, not contrary to the Constitution and laws of the State, provided that after the persons incorporated in this act shall supply themselves, they shall sell to the families of soldiers at cost.

Sec. 2. That said Association may organize with such officers and enact such by-laws for its government as may, from time to time, be deemed necessary and proper, and shall have all such rights and privileges as are by law incident to or necessary for incorporations of a similar character.

Sec. 3. This act shall take effect from and after its passage, and remain in force during the continuance of the present war between the Confederate States and the United States and for the term of twelve months thereafter.

Approved March 6, 1863.

CHAPTER XX.

An Act to incorporate the Goliad Aid Association.

Section 1. Be it enacted by the Legislature of the State of Texas, That D. Hardeman, William Evans, A. H. Biscoe, J. Alison Dill, J. A. Robbins, John A. Clark, J. M. Brown and Pryor Lea, all of Goliad county, or any

three of them as Commissioners, may organize a Joint Stock Association, to consist of the persons before named, or any of them, and their associates and successors, on such legal terms as they may adopt, for the purposes therein stated; and such association, when organized, shall be a corporate body by the name of the Goliad Aid Association, and in that name shall have all the ordinary privileges of a corporation.

Sec. 2. The business of the Association will be to furnish necessities for its members, for families and other dependents of officers and soldiers who have been or may be in the military service of either the Confederate or the State Government, and for general market, all within the area of Goliad and neighboring counties, at prices which shall not exceed the aggregate of cost and twenty-five per centum thereon, allowing for current rates of exchange.

Sec. 3. For accomplishing said objects the Association may trade in any suitable manner.

Sec. 4. The capital stock may be one hundred thousand dollars or any less amount, in shares of one hundred dollars or any less amount, as the Association may determine.

Sec. 5. This charter shall continue in force until the expiration of one year after the ratification of a treaty of peace between the Confederate States of America and the United States of America.

Sec. 6. This act shall be in force from its passage.

Approved March 6, 1863.

JOINT RESOLUTIONS.

CHAPTER I.

Joint Resolution requesting the Governor to procure the detail and exemption of certain persons therein named, to work in Messrs. Eubanks & Co.'s Cotton Card Factory.

Section 1. Be it resolved by the Legislature of the State of Texas, That the Governor of the State is hereby requested to procure the detail, if it can be done, of John Curtis, a private in Capt. Strawhorn's company, and David Armstrong, private in Col. A. Smith's command, and James Shaw in Capt. D. Lively's company, of the Confederate States Army, to work in the cotton and wool hand card factory of Messrs. Eubanks & Co., of Williamson county, Texas, and all other hands which they may employ in the business of the factory, to be exempt from military duty so long as they shall be employed in said factory, and so long as said factory shall make a reasonable number of cards per hand.

Sec. 2. That said Eubanks & Co. shall make a report every sixty days, to the Governor of the State, of the number of hands employed, liable to military duty, and the number of pairs of cards made monthly.

Sec. 3. That this Joint Resolution shall take effect and be in force from and after its passage.

Approved February 19, 1863.

CHAPTER II.

Joint Resolution in regard to John R. Baylor.

Section 1. Be it resolved by the Legislature of the State of Texas, That in view of the patriotic zeal, the known gallantry, and the past efficient and valuable military services of our fellow-citizen, Col. John R. Baylor, the President of the Confederate States be, and he is hereby respectfully requested to reinstate said Baylor in his command, as heretofore, or place him in some similar position of usefulness, and that His Excellency, the Governor, be requested to transmit a copy of this resolution to His Excellency, President Davis.

Approved March 6, 1863.

CHAPTER III.

Joint Resolution of thanks to General J. B. Magruder and others.

Resolution 1. Be it resolved by the Legislature of the State of Texas, That the thanks of the Legislature are hereby tendered to Gen. J. B. Magruder, and the officers and men under his command, for the brilliant victory which they gained over the Federalists at Galveston, on the 1st January last; and to Major O. M. Watkins, and the officers and men under his command, for their gallant conduct at Sabine Pass, and the recapture of that fort, and capturing the blockading vessels of the enemy; and to Major Dan Shea, and the officers and men under his command, for their firm defence of the town of Lavaca; and to Maj. Hobby, and the officers and soldiers under his command, for the repulse of the enemy's attack on Corpus Christi, the commencement of our successes on the Texan coast; and to Captains Ireland and Ware, and the officers and soldiers under their command, for their exploit in the capture of Capt. Kittridge and his men, near Corpus Christi; and to Captains Ireland and Wilkie, and the officers and soldiers under their command, for their good conduct in defeating the enemy's attempt to capture one of our vessels, and in capturing his barges in the bay of Corpus Christi; and to Captains Santos Benavides and Refugio Benavides, and officers and men, for the vigilance, energy and gallantry displayed by them in pursuing and chastising the banditti infesting the Rio Grande frontier.

Res. 2. That the Governor be requested to transmit a copy of these Resolutions to Gen. J. B. Magruder and the other officers mentioned, with the request that they make them known to the officers and men under their command.

Approved March 6, 1863.

CHAPTER IV.

Joint Resolution in relation to the contract of the Military Board with Sherrard Taylor & Co., for Pistols.

Be it resolved by the Legislature of the State of Texas, That the Military Board be, and they are hereby instructed and directed to rescind their contract with Sherrard Taylor & Co., of the town of Lancaster, in Dallas county, for making pistols (Colt's revolvers) upon their, the said Sherrard Taylor & Co., refunding to said Board the money they have advanced on said contract, together with the legal interest thereon from the time it was advanced.

Passed March 7, 1863.

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THE STATE OF TEXAS,)
DEPARTMENT OF STATE. {

I, R. J. Townes, Secretary of State of Texas, do certify that I have compared the foregoing Laws and Joint Resolutions of the Extra Session of the Ninth Legislature, with the originals now on file in the Department of State, and that they are true copies of such originals.

I further certify that the Extra Session of the Ninth Legislature of the State of Texas convened in accordance with the Proclamation of the Governor, at Austin on Monday the second day of February one thousand eight hundred and sixty-three, and adjourned on Saturday the seventh day of March, the same year.

Given under my hand and the seal of the Department of State, at
[SEAL.] the city of Austin this the first day of September one thousand eight hundred and sixty-three.

R. J. TOWNES,
Secretary of State.

Note.—The certificate appended to the volume containing the General Laws of the Extra Session of the Ninth Legislature of the State of Texas, is hereby amended so as to read that the said Extra Session adjourned on Saturday the 7th of March 1863, instead of Friday the 6th of March as stated in said certificate.

GENERAL LAWS

OF

THE TENTH LEGISLATURE

OF

THE STATE OF TEXAS

PUBLISHED BY AUTHORITY

HOUSTON
1864

GENERAL LAWS.

CHAPTER I.

An Act making an appropriation to defray the contingent expenses of the Tenth Legislature.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of ten thousand dollars in Confederate Treasury notes, or so much thereof as may be necessary, be and the same is hereby appropriated to pay the contingent expenses of the Tenth Legislature.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved November 16th, 1863.

CHAPTER II.

An Act to amend the first section of an Act entitled "An Act to prevent Speculation in Certain Cases." Approved January 13th, 1862.

Section 1. Be it enacted by the Legislature of the State of Texas, That the first section of the above recited Act shall hereafter read as follows: That if any person shall falsely represent himself as a Commissary, or Quartermaster, or Purchasing Agent, of the Confederate States, or of the State of Texas, or as the sub-agent of any Commissary, Quartermaster or Purchasing Agent, as aforesaid, or as the agent of any County Court, for purchasing supplies; or of any "Mutual Aid Association;" or other association, whose object is to procure supplies for the poor and needy families of this State; or for the family or families of any Texan or Confederate States soldier, or soldiers, and shall, under such false representation, purchase any article of clothing—shoes, leather, hides, cloth, cotton or wool; or any other article of clothing, or from which clothing can be manufactured; or any provisions—wheat, flour, corn, corn-meal, meat, hogs, cattle or any other article of subsistence of any description; or any horses, mules, work oxen, wagons, ambulances, or any Government supplies whatever that are needed in the armies; or shall hire any negroes or other labor; or rent any houses, representing that the article or articles so purchased are on account of, or for the use and benefit of, such State or Confederate States; or Association, or County, or families; or that the negroes or labor, or houses so hired, are for the use of the Confederate States or State of Texas, in any manner; such person shall be deemed guilty of a felony; and upon conviction thereof, in a court of competent jurisdiction, shall be punished by confinement in the State Penitentiary, at hard labor, not less than two, nor more than ten years, for each offence.

Approved November 24, 1863.

CHAPTER III.

An Act to authorize the Supreme Court of the State, for the Galveston District, to hold its Spring Term at the City of Austin, or elsewhere.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Supreme Court of the State for the Galveston District, is hereby authorized to hold its Spring Term for the year 1864, and annually thereafter, at the City of Austin, or at such other place as the Supreme Court may determine, until the City of Galveston is permanently relieved of the presence of the public enemy

Sec. 2. That the Judges of said Court are hereby authorized to have the records and papers appertaining to the Supreme Court of said Galveston District, removed to the City of Austin, to be kept separate and apart from the records and papers of the Austin District, and to be returned to the Galveston District, as soon as the same may be safely done.

Sec. 3. That this Act take effect and be in force from and after its passage.

Approved November 27th, 1863.

CHAPTER IV.

An Act for the Relief of Pre-emption Settlers and to extend the time for the return of the field notes, and to extend the time for the payment of all dues by settlers, under Acts authorizing the Sale of the Public Domain.

Section 1. Be it enacted by the Legislature of the State of Texas, That all settlers under the various Pre-emption Laws, shall have until the 1st day of January, 1866, to return their field notes and pay the dues thereon.

Sec. 2. All laws conflicting with the first section of this Act, are hereby repealed.

Sec. 3. That this act shall take effect and be in force from and after its passage.

Approved November 27th, 1863.

CHAPTER V.

An Act to authorize the use of the Jails of the several Counties for the Custody of Deserters and other offenders against Military Law.

Section 1. Be it enacted by the Legislature of the State of Texas, That it shall be the duty of the Sheriffs of the several counties of the State of Texas, to receive into custody, and safely keep, all persons committed to their charge by an order of a commissioned officer in the military service of the Confederate States, or of the State of Texas; That the order of the officer committing the offender shall be a sufficient warrant to the Sheriff receiving into his custody the person or persons charged with desertion, or any other offence against the military law; and it shall be the duty of the Sheriff to safely keep said prisoner or prisoners until otherwise ordered by the military authorities, or until discharged by due course of the law of the land: Provided, however, that the military officers committing said offenders, shall provide for their subsistence, and shall furnish a sufficient guard if the jail be insecure.

Sec. 2. That this Act take effect and be in force from and after its passage.

Approved November 27th, 1863.

CHAPTER VI.

An Act to amend the first section of an Act to cede Jurisdiction in certain cases, passed Dec. 19th, 1849.

Section 1. Be it enacted by the Legislature of the State of Texas, That the first section of the above recited Act shall hereafter read as follows: The Confederate States of America shall be, and are hereby authorized and empowered, to purchase, acquire, hold, own, occupy and possess, such land or lands

within the limits of this State, as they shall judge it expedient, and shall seek to occupy and hold, as sites on which to erect and maintain light houses, forts, garrisons, military stations, magazines, arsenals, dock-yards, armories or manufactories for arms or munitions, and all other needful buildings or any of them,*as contemplated and provided in the Constitution of the Confederate States of America; said purchases to be effected either by contract with the owner or owners of said land or lands, or in the manner hereinafter provided.

Sec. 2. That this act be in force from its passage.

Approved November 27th, 1863.

CHAPTER VII.

An Act to amend all laws for the Collection of Debts and Liabilities on Bonds, Promissory Notes, Bills of Exchange, and Contracts for the Payment of Money, until twelve months after the Ratification of a Treaty of Peace between the Confederate States of America and the United States of America, or until otherwise provided by law.

Section 1. Be it enacted by the Legislature of the State of Texas, That until twelve months after the ratification of a treaty of peace between the Confederate States of America and the United States of America, or until otherwise provided by law, all laws for the collection of debts and liabilities on bonds, promissory notes, bills of exchange, and contracts for the payment of money, except in cases of official liabilities on the part of public officers, liabilities and indebtedness to the State, and also where money has been received on deposit, or in trust for those who may be entitled to the same, and for the collection of the interest on the money loaned at interest by guardians, belonging to their wards, are hereby suspended: Provided, That this act shall not be construed to forbid the issuance of writs of attachment, sequestration, or injunction, nor the institution of necessary preliminary proceedings for that purpose, in accordance with existing laws; and, provided, further, that this act shall not apply to any claim or demand against alien enemies; and, provided further, that this act shall not be so construed as to interfere with the action of the Supreme Court in deciding all cases as now directed by law.

Sec. 2. That this act shall not apply to parties who have cases now pending in the Courts, who agree, in open Court, to proceed to trial.

Sec. 3. That until the expiration of the time named in the first section of this act, or until otherwise provided by law, no execution or venditioni exponas, founded upon any judgment or decree, obtained previous to the passage of this act, shall be issued for the sale of property, nor shall there be any sales under execution or writs of venditioni exponas, now issued or levied, unless the judgment creditor, or his agent or attorney, shall make an affidavit in writing, before the Justice of the Peace, or the Clerk of the Court, to whom he shall apply for said execution or venditioni exponas, that the defendant is about to remove his property beyond the State, or the County where the judgment or decree was rendered, or that he is about to transfer or secrete, or has transferred or secreted his property, for the purpose of defrauding his creditors, and that, thereby, the plaintiff will probably lose his debt; and he shall also swear that the writ is not sued out for the purpose of injuring the defendant: Provided, That any debtor or defendant, who may have property in the hands of the Sheriff or other officer, under levy of execution or venditioni exponas, shall, within sixty days after the passage of this act, replevy the same, by giving bond in double the value of the property, or the amount of the debt, if it be less, with good and sufficient security, payable to the plaintiff in the writ, for the forthcoming of the property when the remedies for the collection of debts, hereby suspended, shall be revived.

Sec. 4. That this act shall not be construed to discharge the lien which has already been acquired by due process of law, nor shall the time, during which this law is in force, be computed in any case where the statute of limitation comes in question.

Sec. 5. That during the time named in this act, or until otherwise provided by law, it shall not be necessary to issue execution or writs of venditioni exponas to prevent judgments from becoming dormant, nor shall it be necessary for the holder of any bill of exchange or promissory note to bring suit against the acceptor of such bill of exchange, or against the maker of such promissory note, in order to secure and fix the liability of any drawer, or endorser, of such bill of exchange, or any endorser of such promissory note.

Sec. 6. That until the time named in the first section of this act, or until otherwise provided by law, there shall be no sales of property under deeds of trust, or mortgages, or hypothecations in writing; but the beneficiaries under the same shall be entitled to the benefits of the writ of sequestration, in accordance with the existing laws: Provided, That in all cases where the property conveyed by deeds of trust, or mortgages with power of sale in the mortgagee, may be of a perishable nature and liable to depreciation in value by lapse of time, the beneficiaries in such deeds of trust or mortgages shall, after the maturity of the same, be entitled to the benefits of the writ of sequestration, upon making affidavit in writing before the officer to whom he shall apply for said writ as follows, to wit: First, that he holds an unsatisfied deed of trust, or mortgage, upon the property sought to be sequestered, and which shall be described in the affidavit, and shall also state that the debt secured by said deed of trust, or mortgage, is due and unpaid, and the amount thereof; second, that the said property is of a perishable nature and is depreciating in value, or that it is being wasted by the person in possession of the same, and that, by reason of such depreciation or waste, the security provided by such deed of trust, or mortgage, will become insufficient before the lapse of time provided for in this act, for the payment of the amount due on such deed of trust or mortgage, and thereupon said writ of sequestration shall be issued, and the property sequestered may be replevied by the debtor, or grantor in said deed of trust or mortgage, or in default thereof, by the beneficiary therein, as now provided by law, under the act regulating sequestration.

Sec. 7. That until the time named in this act, or until otherwise provided by law, no property of any soldier, seaman, or marine, now or hereafter engaged in the military or naval service of the Confederate States of America or the State of Texas, shall, during such service, be levied on under execution, or sold by virtue of any levy heretofore made; nor shall the property of any such soldier or marine be subject to attachment, or writs of venditioni exponas, or sequestration, during his continuance in said service.

Sec. 8. That this act shall take effect and be in force from and after the first day of January, A. D., 1864.

Approved December 2d, 1863.

CHAPTER VIII.

An Act to provide for the employment of additional labor in the State Penitentiary.

Section 1. Be it enacted by the Legislature of the State of Texas. That it shall be the duty of the Financial Agent of the State Penitentiary, under the advice of the Directors thereof, to hire an additional amount of labor for said Penitentiary.

Sec. 2. That said Financial Agent shall employ either white persons or slaves, or both, to labor in said Penitentiary, as may be found most advantageous to said institution; and as much labor shall be so employed as can be advantageously used in working the whole of the machinery of said institution.

Sec. 3. That in all receipts and disbursements of money, under the provisions of this act, the said Financial Agent shall be governed by the laws in force in other cases; and he shall also include in his annual reports to the Directors an account of such action as he may take, under the provisions of this act.

Sec. 4. That in order to carry out the provisions of this act, said Financial Agent is authorized to use such an amount of money as may be necessary, out

of the appropriation made for the purposes of the Penitentiary, or out of the proceeds of sales of articles manufactured therein.

Sec. 5. That this act take effect and be in force from and after its passage.

Approved December 2d, 1863.

CHAPTER IX.

An Act making an appropriation for the mileage and per diem pay of the Members, and the per diem pay of the Officers of the Tenth Legislature of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of seventy-five thousand dollars in Confederate Treasury notes, or so much thereof as may be necessary, be and the same is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the mileage and per diem pay of the members and the per diem pay of the officers of the Tenth Legislature of the State of Texas.

Sec. 2. That the certificate of the Secretary of the Senate and the Certificate of the Chief Clerk of the House, shall be sufficient evidence to the Comptroller, upon which he shall audit the claims and draw his warrants upon the Treasurer for the respective amounts.

Sec. 3. That this act be in force from and after its passage.

Approved December 4th, 1863.

CHAPTER X.

An Act to require District Attorneys to report to the Comptroller's Office in certain Cases.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Comptroller shall furnish to the several District Attorneys respective statements of defalcations to the State in their districts, specifying names of defaulters and amounts due, which claims shall have been placed in charge of said Attorneys for collection: and thereupon said Attorneys, respectively, shall make complete returns to the Comptroller twice a year at the expiration of the regular circuits of the courts of the Districts, showing the exact condition of any suits that shall have been instituted for such collections, and the precise situation of the collections, that shall have been made, either with or without suits; and in any case where such Attorney shall have failed to make such return, the salary of such delinquent shall not be paid until the proper return shall have been received at the Comptroller's Office.

Sec. 2. This Act shall be in force from its passage.

Approved December 4th, 1863.

CHAPTER XI.

An Act to amend "An Act concerning Common Carriers, and defining their liabilities in certain cases," approved February 4th, 1860.

Section 1. Be it enacted by the Legislature of the State of Texas, That the first section of an "Act concerning Common Carriers and defining their liabilities in certain cases," approved February 4th, 1860, be so amended as hereafter to read as follows, to-wit: Section 1. Be it enacted by the Legislature of the State of Texas, That railroad companies and other common carriers of goods, wares, and merchandize for hire, within this State, on land, or in boats, or vessels, on the waters entirely within the body of this State, shall not limit, or restrict their liability, as it exists at common law, by any general or special notice, nor by inserting exceptions in the bill of Lading, nor memorandum given upon the receipt of the goods for transportation, nor in any other manner whatever, and

no special agreement, made in contravention of the foregoing provisions of this section, shall be valid.

Sec. 2. That this Act take effect and be in force from and after its passage.

Approved December 4th, 1863.

CHAPTER XII.

An Act to amend the 1st section of an Act approved January 14th, 1862. to fix the salaries of the officers and Clerks therein named.

Section 1. Be it enacted by the Legislature of the State of Texas, That the first section of the above recited Act shall hereafter read as follows, viz: That the salary of the Governor's Private Secretary shall be twelve hundred dollars per annum.

Sec. 2. That this Act shall take effect and be in force from and after its passage.

Approved December 4th, 1863.

CHAPTER XIII.

An Act to provide for the Manufacture of Spinning Jennies.

Section 1. Be it enacted by the Legislature of the State of Texas. That it shall be the duty of the Military Board to cause to be constructed, with as much dispatch as practicable, at the State Foundry in the city of Austin or elsewhere, machines for spinning cotton thread, commonly called spinning jennies, to be sold to the people and the proceeds of the sales paid into the State Treasury: and in the sales of said machines, regard shall be had, as far as practicable, to the wants of the people in different parts of the State.

Sec. 2. That for the purpose of carrying into effect the foregoing section, the sum of two hundred thousand dollars, or so much thereof as may be necessary, is hereby appropriated.

Sec. 3. That this Act take effect and be in force from and after its passage.

Approved December 7th, 1863.

CHAPTER XIV.

An Act to amend "An Act to suspend the operations of the Estray Laws, for and during the existence of the present War, and for six months after its termination, except in certain cases," approved February 25th, 1863, shall hereafter read as follows, to-wit:

Section 1. Be it enacted by the Legislature of the State of Texas. That from and after the passage of this Act, all laws and parts of laws, providing for the estraying of stock, and prescribing the course of proceedings in the same, and of selling stock heretofore estrayed, shall be in all things suspended for and during the existence of the present war, and until six months after peace shall be concluded, with the exceptions hereinafter mentioned.

Sec. 2. That any person may have the right, under the regulations now in force for estraying stock, to stray any vicious animal, or breachy stock, that is likely to injure the stock in the range, or the property of any person, and any person desiring to stray any such stock shall, in addition to the regulations heretofore prescribed, prove by two credible witnesses, by an affidavit in writing, to be filed with the papers in the County Clerk's office, that the property estrayed is vicious, breachy, or so unruly as to be dangerous, and unfit to run at large.

Sec. 3. That any person or persons, having estrayed any property which was unsold at the time of approving of the above Act, he, she, or they, shall proceed to sell such stock, as heretofore prescribed for selling stray stock.

Sec. 4. Provided, that in all cases of sales under this Act of stock hereafter estrayed under the provisions of this Act, the person estraying said stock shall

not be permitted, either directly or indirectly, to bid for such stock, and shall, after deducting the amount of fees for estraying, pay the whole amount of the sale into the County Treasury for the use of the county, if not claimed by the legal owner of said stock.

Sec. 5. That this Act take effect and be in force from and after its passage.

Approved December 7th, 1863.

CHAPTER XV.

An Act to raise Two Millions of Dollars, or so much thereof as may be necessary, by the Sale of Cotton Bonds, to provide for the Defense of the State and to Repel Invasion, and for the Purchase of Machinery for manufacturing purposes.

In view of the existing war, waged by the people and Government of the United States, against the people and Government of the Confederate States, and for the purpose of repelling the invasion of this State by the enemy, therefore, Be it enacted by the Legislature of the State of Texas,

Section 1. That the Governor of the State of Texas be, and he is hereby authorized to sell, or have sold, the bonds of the State to the amount of Two Millions of Dollars, or so much of said sum as he may deem necessary, to meet the purposes contemplated in this Act.

Sec. 2. That said bonds shall be issued in such sums as the Governor of the State shall deem most suitable; and, if he should deem it advisable, he may authorize said bonds to bear interest, not exceeding six per cent. per annum; said interest to be paid at the same time, and in the same manner hereinafter prescribed for the payment of the principal.

Sec. 3. That the payment of the bonds issued in pursuance of the provisions of this Act, shall be made in, predicated upon, and secured by the cotton now belonging, or which may hereafter belong, to the State of Texas. The quality of said cotton and the price thereof, shall be fixed by the Governor and specified on the face of said bonds; that the cotton so pledged for the payment of said bonds, shall be delivered, in good merchantable order, free of carriage, at any port in the State of Texas not in possession of the enemy, at which the holder or holders of the bonds may demand, with the exception of such ports as lie South of Pass Cavallo; that the State shall pay all export duties on said cotton, and shall issue a certificate of ownership, and procure an export permit to accompany the delivery of said cotton; Provided, however, that if the owner or owners of said bond or bonds, shall fail to demand the delivery of said cotton before the expiration of six calendar months after a treaty of peace between the belligerents mentioned in the beginning of this Act, then said bond or bonds may be discharged, by the State paying in money the face value of said bond or bonds, with interest thereon at the rate at which said bond or bonds may have been negotiated, from the date of the sale of said bond or bonds, which date shall be endorsed thereon by the agent authorized to negotiate the sale of said bonds.

Sec. 4. That said bonds shall be signed by the Governor, countersigned by the Comptroller, and bear the Seal of the State.

Sec. 5. That the Governor of the State be and is hereby authorized to appoint, at a reasonable compensation, some suitable person or firm, to act as agent in Europe, or elsewhere, to verify, issue, endorse and dispose of said bonds, with power to substitute other agents in his or their stead; and no bond shall confer any right until verified, issued and endorsed by said agent or substituted agent, who shall be commissioned by the Governor under the Seal of the State.

Sec. 6. That the money raised by the sale of the bonds issued in pursuance of the provisions of this Act, shall constitute a special fund, to be used only in providing for the defense of the State, and repelling any invasion of the same, and for the purchase of the machinery for manufacturing purposes.

Sec. 7. That this Act shall take effect from and after its passage.

Approved December 10th, 1863.

CHAPTER XVI.

An Act to amend the caption and first section of "an Act relating to Forfeitures in certain cases of Bail Bonds and Recognizances, in cases of Misdemeanor," approved Dec. 9th, 1861.

Section 1. Be it enacted by the Legislature of the State of Texas, That the caption of the above named Act be and the same is hereby amended so as hereafter to read as follows, to-wit: "An Act relating to forfeitures in certain cases of bail bonds and recognizances in cases of felonies and misdemeanors."

Sec. 2. That the first section of the above entitled Act shall hereafter read as follows: That during the continuance of the existing war between the Confederate States of America and the United States, no forfeitures of any bail bond or recognizance, executed or entered into, by any defendant or surety for a defendant, witness or surety for a witness, in any case of misdemeanor or felony, shall be taken or entered by any court in this State, against such defendant or surety for defendant, witness or surety for witness, while such defendant or witness shall be in the military or naval service of the Confederate States of America or of this State; nor shall any such forfeiture be taken or entered against any such surety of a defendant or witness, while such surety shall be in such service.

Sec. 3. This Act shall take effect and be in force from and after its passage, and shall cease to be of force or effect from and after the establishment of peace between the Confederate States and the United States.

Approved December 10th, 1863.

CHAPTER XVII.

An Act to amend the first section of "An Act to regulate proceedings in the District Courts," approved May 13th, 1846.

Section 1. Be it enacted by the Legislature of the State of Texas, That the first section of an Act entitled "An Act to regulate proceedings in the District Courts," approved May 13th, 1846, be so amended as to read as follows: No person who is an inhabitant of this State shall be sued out of the County where he has his domicile, except in the following cases, viz: First, in case of married women, who must be sued in the county where her husband has his domicile; Second, in case the defendant is a transient person, in which case he may be sued in whatever county he may be found; Third, in cases where there may be two or more defendants residing in different counties, in which cases the plaintiff may institute suit in any county where any of such defendants may reside; Fourth, in cases where a person has contracted to perform an obligation in any particular county, in which case suit may be instituted in that county, or where the defendant has his domicile; Fifth, in cases of executors, administrators or guardians of an estate, or trustees, who must be sued in the county in which the estate is administered; Sixth, in cases of fraud and also in cases of defalcation of public officers, in which cases suit may be instituted in the county where the fraud was committed, or where the defalcation occurred, or where the defendant has his domicile; Seventh, where the defendant has committed some crime, or offence, or trespass, for which a civil action in damages may be commenced, in which cases, suit may be instituted in the county where the crime or offence or trespass was committed, or in the county where the defendant has his domicile; Eighth, in cases where the suit is for a slave, animal, or other movable property, in which cases suit may be instituted in whatever county such property may be found, or where the defendant resides; Ninth, in cases where the defendant has inherited an estate, concerning which suit is commenced, in which case suit may be instituted in the county where the estate principally lies; Tenth, in cases for the foreclosure of mortgages or lien, in which cases suit may be instituted in the county where the mortgaged property or property subject to lien, or any

part thereof, may be; Eleventh, in cases where the recovery of land, or damages thereto, is the object of a suit, in which cases suit must be instituted where the land or a part thereof is situated.

Sec. 2. That this Act take effect and be in force from and after its passage.

Approved December 10th, 1863.

CHAPTER XVIII.

An Act authorizing the County Courts to regulate the Pay of Sheriffs in certain cases.

Section 1. Be it enacted by the Legislature of the State of Texas, That the County Courts of the several counties composing the State of Texas, be and the same are hereby authorized to allow the Sheriffs thereof, for summoning jurors, in the District Courts, serving election notices, notices on overseers of roads, and attending on District and County Courts, and doing all other business not provided for, such sum or sums of money as such courts may deem sufficient for said service, not to exceed two hundred dollars per annum, to be paid out of the Treasury of said County, any law to the contrary notwithstanding.

Sec. 2. Be it enacted that all laws and parts of laws securing or attempting to secure to certain counties, the object embraced in section one, of this Act, be and the same are hereby repealed.

Sec. 3. Be it enacted that this act take effect from and after its passage.

Approved December 10th, 1863.

CHAPTER XIX.

An Act to aid Enrolling Officers in the discharge of their official duties.

Section 1. Be it enacted by the Legislature of the State of Texas, That whenever any Enrolling Officer of this State, or of the Confederate States of America, within this State, may be authorized or required to execute any order directed to him by proper authority, or in the lawful discharge of the duties of his office, to arrest any person having been drafted, or any person subject to conscription, or any deserter from the military service of this State or of the Confederate States, it shall be lawful for such officer, if he deem it necessary, to call on the Sheriff of the county in which such order is to be executed, or such person arrested, to aid him in the execution of such order, or in making such arrest, and should the Sheriff not be at the command of such Enrolling Officer, in consequence either of other pressing official business, or of absence, then it shall be lawful for such officer to call on any number of persons he may deem necessary to aid him in executing such order or making such arrest.

Sec. 2. That whenever any Sheriff is called upon to render the aid contemplated in the first section of this Act, it shall be his duty to do so, and if required by such officer, shall call to his aid the power of the county; and any Sheriff failing or refusing to render such aid, or to call out the power of the county when so required, shall for any such failure or refusal, be fined not less than one hundred dollars, nor more than five hundred dollars, to be recovered on motion before the District Court of his county, by the District Attorney or Enrolling Officer, of which motion he shall have three days notice.

Sec. 3. Every person failing or refusing to render the assistance to the Sheriff or Enrolling Officer, required by the provisions of this Act, shall be deemed guilty of an offence, and on conviction thereof before any court of competent jurisdiction, be fined in a sum of not less than twenty-five dollars, nor more than two hundred and fifty dollars.

Sec. 4. That this Act take effect and be in force from and after its passage.

Approved December 11th, 1863.

CHAPTER XX.

An Act to amend the seventy-first section of "An Act to regulate proceedings in the County Courts, pertaining to Estates of deceased persons," approved March 20th, 1848.

Section 1. Be it enacted by the Legislature of the State of Texas, That from and after the passage of this act, the seventy-first section of "An Act to regulate proceedings in the County Courts, pertaining to estates of deceased persons," approved March 20th, 1848, be amended so as hereafter to read as follows, to wit:

Sec. 71. That whenever any property is rented or hired by an executor or administrator, under the provisions of this act, such renting or hiring shall be made at public auction to the highest bidder, after having given at least ten days notice thereof, by posting a copy of such notice at the Court-house and at two other public places in the county where the same is to take place, or by private agreement, as the Chief Justice, either in vacation or term time, by order shall direct, which order shall be entered on the minutes of the Court.

Sec. 2. That the provisions of the above section of this act shall apply as well to the renting or hiring of property by a guardian as by an executor or administrator: Provided, That an account in writing and under oath, of such renting or hiring, shall, in all cases, be returned to the Court and subject to the approval of the Chief Justice.

Sec. 3. That this act take effect and be in force from and after its passage.
Approved December 14th, 1863.

CHAPTER XXI.

An Act to punish persons who may remove or destroy any Timber, Rails, or Lumber, belonging to the several Asylums of this State.

Section 1. Be it enacted by the Legislature of the State of Texas, That from and after the passage of this act, it shall not be lawful for any person, or persons, to take or remove any timber, rails, or lumber, from the grounds or premises of the Lunatic, Blind, or Deaf and Dumb Asylums of this State, or destroy the same; and if any person shall be guilty of a violation of the foregoing provisions of this act, he shall be punished by a fine not less than twenty-five, nor more than one hundred dollars, for each and every such violation, recoverable before a Justice of the Peace by summary proceeding, upon complaint of the Superintendent of such Asylum, or any other person; and said fines shall, when collected, be appropriated to the use of the Asylum upon which the depredation was committed.

Approved December 14th, 1863.

CHAPTER XXII.

An Act supplementary to, and amendatory of, "An act to adopt and establish a Penal Code.

Section 1. Be it enacted by the Legislature of the State of Texas, That the following articles, in the chapters and titles named of the act above recited, commonly known as the "Penal Code," be and they are hereby so amended that they shall hereafter read as follows, viz:

Part II.—Title VI.—Chapter 1.

Article 231. Treason against this State shall consist only in levying war against it, or adhering to its enemies, giving them aid and comfort.—[Constitution, Art. 7, Sec. 2.

Article 231. A. Whenever war is pending between the State of Texas and any other belligerent, or between the Confederate States and any other belligerent, while Texas is a member of the Confederacy, it is not necessary to prove any actual communication between the public enemy and any person

charged with treason, to establish the offense of treason. Any act, the tendency of which is to give aid and comfort to the public enemy, committed with intent to aid his operations or defeat or interrupt those of this State, or the Confederate States, is an overt act within the meaning of the Constitution. The intent is to be determined by the declarations or other conduct of the party, taken in connection with the act.

Chapter II.

Article 233. Whoever shall know that another person has committed treason against this State, or against the Confederate States, while this State is a member of the Confederacy, and shall not, within five days from the time of his having come to such knowledge, give information of the same to the Governor, or to some Judge of a Court of Record of this State;

Whoever shall intend to commit treason against this State, or against the Confederate States, while this State is a member of the Confederacy; and

Whoever shall know that another person is intending to commit treason against this State, or against the Confederate States, while this State is a member of the Confederacy, and shall not, within five days from the time of his having come to such knowledge, give information of the same to the Governor, or to some Judge of a Court of Record of this State, shall be deemed guilty of misprision and treason: Provided, the husband or wife shall not be compelled to give information against each other, nor a mother against her child.

Article 233. A. The intention to commit treason, specified in the foregoing, is evidenced by any declaration made by the party of a purpose to do any act which would constitute treason, whether made orally or in writing, taken in connection with any conduct showing the purpose to be real.

Article 234. A. Any person who shall, while war is pending between the State of Texas and any other belligerent, or between the Confederate States and any other belligerent, Texas then being a member of the Confederacy, in any way advise another person to join the public enemy, or in any way aid or assist another person to join the public enemy;

Any person who shall publicly maintain, pending any war as aforesaid, that either himself or any other person, a citizen or inhabitant of this State, does not owe obedience or duty to this State, or that he does owe obedience or duty to the government of the public enemy.

Any person who shall privately, or otherwise than publicly, maintain, pending any war as aforesaid, that any citizen or inhabitant of this State does not owe obedience or duty to this State, or that he does owe obedience or duty to the government of the public enemy, with the purpose to induce such citizen or inhabitant to avoid the performance of his duties as such; and

Any person who shall, pending any war as aforesaid, write, print, or publish or cause to be written, printed, or published, or counsel, aid, advise, or assist, in writing, printing, or publishing, any letter, book, address, or other writing, maintaining the right or duty of any citizen or inhabitant of this State to give aid or comfort to the public enemy, or that any citizen or inhabitant owes obedience or duty to the government of the public enemy, shall be deemed guilty of encouraging treason, and shall suffer the same punishment as is herein provided for misprision of treason.

Title XXI.—Chapter I.

Article 780. The agreement to come within the definition of conspiracy, must be to commit one or more of the following offenses: Treason, murder, robbery, arson, burglary, rape, or theft.

Article 781. Conspiracy to commit treason or murder shall be punished by confinement in the Penitentiary, not less than two nor more than ten years. Conspiracy to commit any of the other offenses named in the preceding article, shall be punished by one-half of the punishment affixed by law to the commission of the offense so intended by the parties; Provided, That in no case the punishment by confinement in the Penitentiary be less than two years.

Chapter II.

Article 784. If any person shall threaten to commit treason, or to take the

life of a human being, or to inflict upon any human being any serious bodily injury, he shall be punished by imprisonment in the Penitentiary, not less than two nor more than five years, or by fine not exceeding two thousand dollars.

Approved December 14th, 1863.

CHAPTER XXIII.

An Act to authorize the Quartermaster of the State to dispose of a certain amount of the Percussion Caps manufactured at the State Works.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Quartermaster of the State be authorized to dispose of one-tenth of the percussion caps manufactured at the State Works, to private parties, at such prices and in such manner as he may deem proper.

Sec. 2. That in disposing of the caps, he shall endeavor to distribute them to the citizens of the different sections of the State, as much as possible.

Sec. 3. The proceeds arising from the sale of the caps, shall be applied to the payment of expenses incurred in keeping up and sustaining the Cap Manufactory; and this act to take effect from its passage.

Approved December 14th, 1863.

CHAPTER XXIV.

An Act supplementary to an act, entitled "An Act to Define the Duties of Secretary of State," passed May the 9th, 1846.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Secretary of State, in addition to the Chief Clerk, shall be authorized to appoint an Assistant Clerk, with a salary of one thousand dollars per annum, who shall exercise the powers of Chief Clerk during his absence or vacancy in that office, and shall discharge such other duties as may be required of him by the Secretary of State.

Sec. 2. The Secretary of State shall be the custodian of the records of the Senate and House of Representatives, after the adjournment of the Legislature, and it shall be his duty to arrange and file, and preserve in his office all papers of any value, and furnish certified copies of them when demanded: Provided, That papers, not the evidence of private relief granted, may be delivered to their owners.

Sec. 3. The Secretary shall have charge and supervision of the State Library, shall keep it accessible for the inspection and use of the public, and, when the Legislature is in session, one of the Clerks shall remain in the Library during all the time either House may be in session; but no person shall be permitted to take the books from the Library, except under such rules and regulations as the proper Board may make and establish.

Sec. 4. The Secretary shall procure for the two Houses, before the commencement of each session, the necessary stationery, fuel and lighting materials, and have the Capitol fitted up when the Legislature meets.

Sec. 5. This act shall be in force from and after its passage.

Approved December 14, 1863.

CHAPTER XXV.

An Act to amend the fifty-eighth section of "An Act to regulate proceedings in the County Courts, pertaining to Estates of deceased persons," approved March 20th, 1848.

Section 1. Be it enacted by the Legislature of the State of Texas, That the fifty-eighth section, of the above recited act, be so amended as to read as fol-

lows, to wit: All sales for the payment of the debts, owing by the estate, shall be ordered to be made of such property as may be deemed most advantageous to such estate to be sold.

Sec. 2. That this act take effect from and after its passage.

Approved December 14th, 1863.

CHAPTER XXVI.

An Act to amend "An Act to organize County Courts," approved March 16th, 1848.

Section 1. Be it enacted by the Legislature of the State of Texas, That the twenty-first section of "An act to organize County Courts," approved March 16th, 1848, be amended so as hereafter to read as follows: Sec. 21. That a regular term of the County Court shall commence and be held at the Court-house of each county in this State on the first Monday in January, April, July, and October, in every year, for the transaction of all business growing out of, or connected with the powers and jurisdiction of the County Court over all matters other than those named in the second and twentieth sections of this act; such terms shall be held by the Chief Justice, with the assistance of any two or more of the County Commissioners, and may continue for one week but not longer; and special terms of said Court may be held in like manner, and for like purposes as provided for in this section, at such other times as the Chief Justice may appoint: Provided, however, That no County Tax shall be levied, unless at some one of the regular terms, and with the assent of the Chief Justice and three of the County Commissioners, or the assent of the four Commissioners. Should a quorum of said County Court not appear at the time appointed for holding the same, the Sheriff of the County, or in his absence or in case of vacancy in that office, the Coroner shall adjourn the Court from day to day for three days, and should a quorum not appear on the morning of the fourth day, then he shall adjourn the Court until the next term in course.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved December 14th, 1863.

CHAPTER XXVII.

An Act to suspend the Location, Survey and Sale of the Public Lands, except in certain cases.

Section 1. Be it enacted by the Legislature of the State of Texas, That until six months after the close of the present war, all laws authorizing the location survey or sale of any of the public lands or land scrip, except in cases herein provided for, are hereby suspended.

Sec. 2. The suspension provided for in the preceding section, shall not be construed to prevent the location, survey and sale of the public lands to actual settlers, as now provided by law, nor to prevent the location, survey and patent of the University Lands, or the lands to which the several counties are entitled for the use of schools, nor shall it prevent the return of field notes and perfection of title to lands already surveyed.

Sec. 3. All holders of land scrip issued to railroad companies shall have the same time to locate, survey, return the field notes to and alienate the same, after the termination of the period of suspension, herein provided for, that they would have been entitled to from this time, had this law not have been enacted, and during the period of suspension, herein provided for, no location or survey shall be forfeited by reason of not returning the field notes to the same: Provided, that any one engaged in the manufacture of Tar, Pitch or Turpentine, shall not be precluded from locating upon any such pine lands as may be necessary for such manufacture: Provided, that the field notes be returned to the General Land Office within ninety days after the location is made; nor shall persons or cor-

porations entitled to land under the law granting lands to encourage manufactures be prevented from filing and locating upon any vacant land needed for such factories, upon making oath that the lands so filed upon are needed. If filed on by a corporation, said oath shall be made by its manager.

Sec. 4. That during the time named in this Act, the Commissioner of the General Land Office shall keep such clerks and draughtsmen only as are or may be necessary to carry on the business of the office; and that this Act take effect and be in force from and after its passage.

Approved December 14th, 1863.

CHAPTER XXVIII.

An Act making an appropriation to pay deficits in appropriations heretofore made, and making appropriations for the payment and support of the Frontier Regiment.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of eight hundred thousand dollars, in Confederate States Treasury Notes, or so much thereof as may be necessary, be and the same is hereby appropriated to pay deficits in appropriations heretofore made for the pay and support of the "Mounted Regiment of Texas State Troops," commanded by Col. James E. McCord; and for the pay and support of said Regiment until otherwise provided for.

Approved December 14th, 1863.

CHAPTER XXIX.

An Act providing for the auditing and settling of the claims of the State of Texas for Frontier Defense against the Confederate States.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Governor of the State is hereby authorized to take such proceedings as he may deem most advisable, to have audited and settled the claims of the State of Texas against the Confederate States, for money expended by the State of Texas in defense of the Frontier of Texas, and that the sum of three thousand dollars, or so much thereof as may be necessary, is hereby appropriated, to enable the Governor to carry into effect the intention of this Act.

Approved December 14th. 1863.

CHAPTER XXX.

An Act to provide for the assessment and collection of Income Taxes on Sales of distilled Spirits, Fermented Liquors and Wines, and for such purpose to define and regulate such sales.

Section 1. Be it enacted by the Legislature of the State of Texas, as follows:— Any person, firm or association, having in this State any distilled spirit, fermented liquor or wine, and therein selling the same, by wholesale, for money, or so bartering the same for any other article, shall pay an income tax as follows:

For the aggregate amount so sold or bartered within each calendar month, for any value not exceeding two dollars per gallon, the tax on such value shall be at the rate of five cents per gallon.

For the aggregate amount so sold or bartered within each calendar month, for more than the preceding rate of value and not for more than three dollars per gallon, the tax on such value shall be at the rate of fifteen cents per gallon.

For the aggregate amount so sold or bartered within each calendar month, for more than the last rate of value and not for more than four dollars per gallon, the tax on such value shall be at the rate of one dollar per gallon.

For the aggregate amount so sold or bartered within each calendar month, for more than the last rate of value and not for more than five dollars per gallon, the tax on such value shall be at the rate of one dollar and fifty cents per gallon.

For the aggregate amount so sold or bartered within each calendar month, for more than the last rate of value and not for more than six dollars per gallon, the tax on such value shall be at the rate of two dollars and seventy cents per gallon.

For the aggregate amount so sold or bartered within each calendar month, for more than the last rate of value and not for more than seven dollars per gallon, the tax on such value shall be at the rate of three dollars and fifty-five cents per gallon.

For the aggregate amount so sold or bartered within each calendar month, for more than the last rate of value and not for more than eight dollars per gallon, the tax on such value shall be at the rate of four dollars and forty cents per gallon.

For the aggregate amount so sold or bartered within each calendar month, for more than the last rate of value and not for more than nine dollars per gallon, the tax on such value shall be at the rate of five dollars and twenty-five cents per gallon.

For the aggregate amount so sold or bartered within each calendar month, for more than the last rate of value and not for more than ten dollars per gallon, the tax on such value shall be at the rate of six dollars and ten cents per gallon.

For the aggregate amount so sold or bartered within each calendar month, for more than the last rate of value and not more than eleven dollars per gallon, the tax on such value shall be at the rate of six dollars and ninety-five cents per gallon.

For the aggregate amount so sold or bartered within each calendar month, for more than the last rate of value and for not more than twelve dollars per gallon, the tax on such value shall be at the rate of seven dollars and eighty cents per gallon.

For the aggregate amount so sold or bartered within each calendar month, for more than the last rate of value and not for more than thirteen dollars per gallon, the tax on such value shall be at the rate of eight dollars and sixty-five cents per gallon.

For the aggregate amount so sold or bartered within each calendar month, for more than the last rate of value and not for more than fourteen dollars per gallon, the tax on such value shall be at the rate of nine dollars and fifty cents per gallon.

For the aggregate amount so sold or bartered within each calendar month, for more than the last rate of value, and not for more than fifteen dollars per gallon, the tax on such value shall be at the rate of ten dollars and thirty-five cents per gallon.

For the aggregate amount so sold or bartered within each calendar month, for more than the last rate of value and not for more than sixteen dollars per gallon, the tax on such value shall be at the rate of eleven dollars and twenty cents per gallon.

For the aggregate amount so sold or bartered within each calendar month, for more than the last rate of value and not for more than seventeen dollars per gallon, the tax on such value shall be at the rate of twelve dollars and five cents per gallon.

For the aggregate amount so sold or bartered within each calendar month, for more than the last rate of value and not for more than eighteen dollars per gallon, the tax on such value shall be at the rate of twelve dollars and ninety cents per gallon.

For the aggregate amount so sold or bartered within each calendar month, for more than the last rate of value and not for more than nineteen dollars per gallon, the tax on such value shall be at the rate of thirteen dollars and seventy-five cents per gallon.

For the aggregate amount so sold or bartered within each calendar month, for more than the last rate of value and not for more than twenty dollars per gal-

lon, the tax on such value shall be at the rate of fourteen dollars and sixty cents per gallon.

For the aggregate amount so sold or bartered within each calendar month, for more than the last rate of value and not for more than twenty-one dollars per gallon, the tax on such value shall be at the rate of fifteen dollars and forty-five cents per gallon.

For the aggregate amount so sold or bartered within each calendar month, for more than the last rate of value and not for more than twenty-two dollars per gallon, the tax on such value shall be at the rate of sixteen dollars and thirty cents per gallon.

For the aggregate amount so sold or bartered within each calendar month, for more than the last rate of value and not for more than twenty-three dollars per gallon, the tax on such value shall be at the rate of seventeen dollars and fifteen cents per gallon.

For the aggregate amount so sold or bartered within each calendar month, for more than the last rate of value and not for more than twenty-four dollars per gallon, the tax on such value shall be at the rate of eighteen dollars per gallon.

For the aggregate amount so sold or bartered within each calendar month, for more than the last rate of value and not for more than twenty-five dollars per gallon, the tax on such value shall be at the rate of eighteen dollars and eighty-five cents per gallon.

For the aggregate amount so sold or bartered within each calendar month, at any rate higher than the value of twenty-five dollars per gallon, the tax shall be at the rate of seventy-six per centum on the amount of such sale.

But, sales of wine, made within this State, are exceptions and shall not be subject to such taxes.

Such selling or bartering, in the sense of this law, is, by wholesale, when done without special license for retailing.

Sec. 2. Any person, firm or association, having in this State any distilled spirit, fermented liquor, or wine, and therein selling the same, by retail, for money, or so bartering the same for any other article, shall pay an income tax as follows:

On the value of the aggregate amount so sold or bartered within each calendar month, at any rate not exceeding the rate of five dollars per gallon, the tax shall be at the rate of five per centum.

On the value of the aggregate amount so sold or bartered within each calendar month, at any rate higher than the preceding and not higher than the rate of ten dollars per gallon, the tax shall be at the rate of ten per centum.

On the value of the aggregate amount so sold or bartered within each calendar month, at any rate higher than the rate of ten dollars per gallon, the tax shall be at the rate of fifty per centum.

But, sales of wines made within this State are exceptions and shall not be subject to such taxes.

Such selling or bartering, in the sense of this law, is by retail when done with special license for retailing.

Sec. 3. When any person, firm, or association, having any article, subject to such taxes, as owner at the present time by any means, or as first owner at any subsequent time, either from importation into the State or from production within it, shall furnish such article for retailing, such disposal thereof shall be a sale, by wholesale, under this law. This shall be the construction: If the person, firm, or association be partly or entirely interested in the retailing, as if it were done by any disconnected person; and a trust or donation for the purpose of retailing shall receive the same kind of construing. Neither kind of tax shall be evaded by any blending of wholesale and retail interests, nor by any arrangement of trust or gift; and every person making such respective disposal of any such article, shall distinctly and separately account therefor, as in case of an ordinary sale; and tax shall be paid, in every case, on fair market value.

Sec. 4. The Treasury Notes of the Confederate States of America being in

general use as the circulating medium of exchanges, and as the common current standard of values, and the taxes imposed by this Act being receivable in such currency, it shall be the standard of values of the articles sold or bartered, as aforesaid, including the articles received in exchange, without regard for any different estimate, that may be made for the purpose of evading the provisions of this law or for any other reason.

Sec. 5. The sale of any distilled spirit, fermented liquor, or wine of bad quality is absolutely prohibited; and any such article shall be so regarded when adulterated or tintured with any poisonous or unhealthful substance, or when its strength shall be under second proof as known in market, or as may be otherwise ascertained. In each county the County Court shall establish proper tests for ascertaining the quality of such articles, and shall have authority to apply the test in any reasonable manner. Also, the Assessor and Collector shall have authority, in any proper manner, to ascertain the qualities of such articles, either by applying the tests, that may be established by the Court, if any, or by the use of other appropriate means. But sales of wine made within this State and not adulterated nor tintured with any poisonous or unhealthful substance, although in strength below second proof, shall not be within the foregoing prohibition.

Sec. 6. The taxes imposed by this law shall apply to sales to be made out of this State, of such articles taken from it for market, as well as to sales made within this State; and the person, firm, or association, who shall make any preparation or movement of such an article in commencing so to take it from this State for market, or who shall make any committal of such an article to any person, that he may take it from the State for market, shall pay this tax, which shall be assessed and collected promptly, on the value of the subject of such preparation, movement, or committal, on an estimate of such value, to be made by the Assessor and Collector according to the current market value of the article in his county, as if sale had been therein completed at such value.

Sec. 7. Within the first ten days of every month, each person, firm, or association, liable for such taxes, shall render to the Assessor and Collector of the county, where sales shall have been made, or from which articles have been taken for market, or in which preparation, movement, or committal shall have been made, as aforesaid, a true account of the articles so sold, or taken from this State for market, or prepared, moved, or committed therefor, during the next preceding month. Such account, as to wholesale transactions, shall show, respectively, dates of sale, to whom sold, kinds and quantities sold, and prices per gallon, or like particulars, as far as practicable, in relation to articles taken from this State for market, or prepared, moved, or committed therefor. Such account, as to retail transactions, shall show like particulars, except to whom sold. And, at any other time, on demand of the Assessor and Collector, any person, firm, or association, so liable to render an account, shall do so within two days from such demand. Also, any person, firm, or association, so liable, shall show to the Assessor and Collector, on his demand, to be made in a reasonable manner, an account book or other memorandum, respectively, of each foregoing particular. Every account, account-book, or memorandum, to be rendered or shown, as aforesaid, in order to meet the requisition therefor, must be verified by some person liable therefor; and such verification must show, that the account, account-book, or memorandum, respectively, contain a full, just, and true exhibition of the facts, required to be shown by such means. Such verification must be made by written affidavit, stating particulars according to the nature of the case, subscribed by the person making it, sworn to before some officer authorized to administer oaths, including the Assessor and Collector, and delivered to him. Every such affidavit shall be filed in the office of the Clerk of the County Court.

Sec. 8. If any such affidavit shall be wilfully false, the person making it shall be guilty of perjury, and shall be subject to punishment as in other cases of perjury. Moreover, if any person shall violate any of the other provisions of this law, he shall be guilty of a misdemeanor, indictable in the District Court;

and, on conviction, he shall be punished by fine not exceeding five thousand dollars, or by imprisonment, not exceeding six months, or in both modes, in the discretion of the jury trying the case: and each person included in a firm or association, so violating these other provisions, shall be liable to these penalties.

Sec. 9. Any person, firm, or association, at the end of each month, shall be liable for payment of the taxes, which shall have accrued against him or them in that month, and shall pay the same to the Assessor and Collector within the first ten days after the end of the month; and, in case the Assessor and Collector at any time shall demand an account, as before provided, he shall then demand payment of the taxes, that shall have previously accrued, without reference to monthly time, and they shall be paid within two days allowed for rendering the account so demanded. Any person, who shall have become liable for any of such taxes, shall so continue until payment, notwithstanding any punishment that may be inflicted under this law. The Assessor and Collector of the county wherein the taxes shall have accrued, shall collect the same, and may sue therefor in the name of the State, if necessary; and, in any such case of suit the defendant or defendants, shall be liable to judgment and execution for the taxes, and for the amount of fifty per centum thereon. Whenever such suit shall be necessary, it shall be prosecuted to judgment and execution without delay, notwithstanding any law for suspending the collection of ordinary debts.

Sec. 10. The subjects of taxation under this law shall not be liable to taxation by any other county, city or town.

Sec. 11. All laws contrary to the provisions of this act are suspended during its continuance in force; and this act shall be in force from its passage until the close of the present war and the ratification of a treaty of peace between the Confederate States of America and the United States of America.

Approved December 15th, 1863.

CHAPTER XXXI.

An Act to amend "An Act to define and punish Sedition and to prevent the dangers which may arise from persons disaffected to the State."

Section 1. Be it enacted by the Legislature of the State Texas, That the caption of the above recited act shall hereafter read as follows: "An Act to punish persons who are disaffected to the State;" that the act itself shall be so amended as to hereafter to read as follows: That if any person shall willfully advise or persuade any person, liable to perform military duty, to refuse or evade the performance of legal military service of this State, or of the Confederate States, or shall attempt in any manner to influence the decision, or bias the opinion, of any person in favor of the enemies of the Confederate States or of this State, he shall be punished by imprisonment in the Penitentiary, not less than three nor more than five years.

Sec. 2. This act shall take effect and be in force from its passage.

Approved December 15th, 1863.

CHAPTER XXXII.

An Act to define and punish the crime of Disloyalty to the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That if any person within this State shall, by any means, willfully attempt to dissuade or discourage the people from performing their duty in the military or naval service of the Confederate States or of this State, or shall aid, advise or induce any soldier, seaman or marine, in said service, to desert therefrom, or shall

harbor any such deserter, or shall by means of any verbal, written, or printed statement, attempt to create disaffection among the people towards this State or the Confederate States, or influence them to aid, assist or adhere to the public enemy, in any manner whatever, shall be punished by confinement in the Penitentiary, for not less than two nor more than five years.

Sec. 2. That if any person within this State shall wilfully communicate to the public enemy any information in regard to the disposition, strength or movements of the army, or the designs of the military authorities, or shall aid or abet any one so doing, he shall be deemed guilty of disloyalty, and, on conviction thereof, shall be punished by confinement in the Penitentiary, for not less than three nor more than five years.

Sec. 3. That this act be in force from and after its passage.

Approved December 15th, 1863.

CHAPTER XXXIII.

An Act appropriating two hundred thousand dollars as a Hospital Fund for the Soldiers of Texas in the armies of the Confederate States of America, and to repeal other laws, as named in this Act on the same subject.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of two hundred thousand dollars is appropriated as a Hospital Fund, to be administered as the Governor may deem necessary, according to the provisions of an act approved January 8th, 1862, entitled "An act to create a Hospital Fund, to be expended for the comfort of the sick and wounded soldiers of the State of Texas in the Confederate army."

Sec. 2. So much of said act, approved January 8th, 1862, as made an appropriation, is repealed, and likewise "An act appropriating two hundred thousand dollars, to be expended for the relief of the sick and wounded soldiers of the State of Texas in the army of the Confederate States," approved March 5th, 1863, is repealed.

Sec. 3. This act shall be in force from its passage.

Approved December 15th, 1863.

CHAPTER XXXIV.

An Act to provide for the Support of the Families and Dependents of Texas Soldiers.

Section 1. Be it enacted by the Legislature of the State of Texas, That for the years 1864 and 1865, or during the continuance of the present war, should the same end before the first day of January, 1865, the sum of one million of dollars per annum, be and the same is hereby appropriated for the support and maintenance of the families, widows and dependents of such officers and soldiers of Texas as have been, may now, or hereafter may be, in the military service of the Confederate States, or in the active militia or volunteer service of the State of Texas, and which families, widows or dependents may need the assistance and support of the State.

Sec. 2. The money hereby appropriated shall be distributed by the Comptroller of the State, under such regulations as he shall adopt, consistent with this act, to the several counties of this State, according to the number of the indigent in each, as ascertained in the manner herein required.

Sec. 3. It shall be the duty of the Comptroller of the State, immediately after the passage of this act, to forward to the Chief Justice of each county in the State a copy of this act, with such instructions and forms as may be necessary to carry its provisions into effect; and said Chief Justices shall, immediately upon the receipt of the same, ascertain or cause to be ascertained, in such manner as they may deem best, the number of indigent persons in their respective counties entitled to relief under this act, and shall make an accurate return

of the same to the Comptroller's office, on or before the first day of March, 1864, and a like return shall be made by them on or before the first day of March, 1865.

Sec. 4. Upon the first day of March, 1864, the Comptroller shall distribute to the several counties in this State one-half of the first annual appropriation herein made, according to the returns herein required, and on the first of September following shall, in like manner, distribute the remaining half of said appropriation; and the distribution shall be made on the first of March and September, in the same manner, for the year 1865, on the basis of the returns required by this act: Provided, That in cases where the returns have not been received by the Comptroller, the distribution shall be made upon such equitable basis as the Comptroller may determine; and the Comptroller is hereby authorized to draw his draft on the Assessors and Collectors of the respective counties entitled to such relief, in favor of the Chief Justices of said counties for the amount due said county; and the money so received shall be expended by the County Court as directed by this act.

Sec. 5. The County Courts of the respective counties shall administer the funds, hereby appropriated, in the manner deemed by them best suited to accomplish the objects of this act: Provided, no portion of said funds shall be used for any purpose except in the purchase of necessary supplies or in liquidation of proper demands for such supplies, or other appropriate relief, furnished or contracted to be furnished at a stipulated and reasonable price; and, provided further, that no per centage shall be allowed to any officer or agent employed in the administration of said fund.

Sec. 6. Any Chief Justice who shall negligently or corruptly make a false return of the number of indigent persons in his county, as contemplated by the third section of this act, shall be deemed guilty of a misdemeanor, and, on conviction before any Court having jurisdiction, shall be fined in any sum not less than five hundred dollars, and shall be dismissed from office.

Sec. 7. That this act take effect and be in force from and after its passage.

Approved December 15th, 1863.

CHAPTER XXXV.

An Act to encourage the Erection of certain Machinery by donations of Land and otherwise.

Section 1. Be it enacted by the Legislature of the State of Texas. That any person, company, or corporation, desiring to avail themselves of the benefits of this act, shall erect and put into successful operation by the first day of March, A. D. 1865, new and efficient machinery for the manufacture of iron from ore, or for the manufacture of cotton or wool into thread or cloth, or for the manufacture of fire arms, nitre, sulphur, powder, salt, cotton or woolen cards and spinning jennies, or paper and oil.

Sec. 2. That upon being notified of the erection and completion of any machinery of the kind described in the foregoing section, and upon being satisfied that said machinery was erected and put into operation within the time prescribed in the first section of this act, it shall be the duty of the Governor and owner or owners of said machinery, to appoint, each, one disinterested person to act as commissioners, who shall appoint a third commissioner to act with them in the valuation of said machinery: said commissioners shall, before making said valuation, take and subscribe the following oath: "I, A. B., do solemnly swear that I am not interested in the machinery erected by — and situated in —, nor am I related to any person who is so interested, either by affinity or consanguinity, and that I will make a correct and impartial valuation of the same, to the best of my ability; so help me God:" which, together with their valuation, shall be returned to the General Land Office.

Sec. 3. That it shall be the duty of the said commissioners, after making a minute personal examination of said machinery and after procuring such other evidence of its value as may be accessible to them, to value the same at its

true value in specie. In said valuation, the necessary buildings and structures erected for the efficient operation of said machinery, shall be included, but the land upon which they are situated shall not be valued.

Sec. 4. Any person, company, or corporation, hereafter erecting and putting into efficient operation by the first day of March, A. D. 1865, any machinery of the character described in the preceding sections of this act, shall be entitled to receive from the State a grant at the rates of one section of three hundred and twenty acres of land for every one thousand dollars worth of machinery so erected and put into efficient operation.

Sec. 5. That any person, company, or corporation, erecting and putting into efficient operation machinery of the character described in the first section of this act, and filing with the Commissioner of the General Land Office the affidavit and valuation provided for in the second section of this act, may file an application with any District Surveyor of any Land District in the State, a copy of which application shall in all cases be forwarded to the Commissioner of the General Land Office by the District Surveyor, to survey a quantity of land equal to double the amount which they may be entitled to receive under this act, lying and being in such district and subject to location and entry; and said application shall specifically describe the lands applied for and intended to be surveyed, and if said person, company, or corporation, shall file with the District Surveyor a certificate of the Commissioner of the General Land Office that the affidavit and valuation, provided for in the fourth section of this act, have been filed in his office; said application shall exempt the land so designated from any future location, entry, or pre-emption privilege.

Sec. 6. It shall be the duty of said person, company, or corporation, to cause to be surveyed the land so designated in sections of three hundred and twenty acres each, unless prevented by previous surveys or a navigable stream, which surveys shall be delineated upon a map or maps, the even and odd sections being differently colored and regularly numbered, from one upwards to the full number surveyed for any person, company, or corporation; and the field notes of said surveys, and map or maps, shall be by said company deposited with the Commissioner of the General Land Office.

Sec. 7. Fractional sections containing more than three hundred and twenty acres of land, shall be regarded as whole sections, and two fractional sections, each containing less than three hundred and twenty acres, shall be taken as a whole section, and all the alternate or even sections shall be reserved to the use of the State until appropriated by law; and surveys, under the provisions of this act, shall be made by the Deputies and District Surveyors of the district in which the land is situated, and the field notes shall be recorded in such district and returned to the General Land Office as other surveys; that the provisions of this bill shall apply to all works, for the purpose indicated in this bill, commenced since the second day of March, 1861.

Sec. 8. That this act be in force and effect from and after its passage.

Approved December 15th, 1863.

CHAPTER XXXVI.

An Act to Provide for the Protection of the Frontier, and turning over the Frontier Regiment to Confederate States Service.

Section 1. Be it enacted by the Legislature of the State of Texas, That all persons liable to do military duty, who are at the passage of this act bona fide citizens of the following line of counties, and all counties lying north and west of said line, to-wit: Cook, Wise, Parker, that part of Johnson west of the Belknap and Fort Graham road, Bosque, Coryell, Lampasas, Burnett, Blanco, Bandera, Medina, Kendall, Atascosa, Live Oak, McMullen, La Salle, Dimmit, and Maverick, shall be enrolled and organized into companies, not less than twenty-five nor more than sixty-five men, rank and file.

Sec. 2. That it shall be the duty of the Governor, immediately after the

passage of this act, to cause the counties designated in the preceding section to be divided into three districts, as nearly equal in territory and population as may be; in each of which districts he shall appoint a suitable person, with the rank and pay of Major of Cavalry, who shall be the ranking officer of the district to which he is appointed, and which officer shall be charged with the organization of the men subject to duty in his district, and with the control of the companies when organized, and the defense of the same, as provided herein, and under such other regulations as the Governor may prescribe.

Sec. 3. That the commissioned officers of each company, of fifty men or more, shall consist of one Captain and two Lieutenants; if less than fifty men, two Lieutenants. The non-commissioned officers shall consist of one Sergeant and one Corporal for every ten men.

Sec. 4. That each member of a company shall be required to keep himself furnished with a suitable horse, gun, and ten days provisions, and all necessary equipments, [including ammunition.]

Sec. 5. That no person who is not an actual resident, in good faith, of the frontier district herein specified at the passage of this act, shall be a member of the organization provided for by this act; and it shall be the duty of captains of companies, and of the commanding officers of the several districts, to exclude non-residents of the frontier district from membership in said organization, and, in case of doubt, strict and full proof under oath shall be required, to the satisfaction of the officer.

Sec. 6. That the companies organized under the provisions of this act, shall be required to keep at least one-fourth of their number in the field in actual service, making equal divisions of time; and the officers commanding districts shall have the power and authority to order out the whole force, under such restrictions, regulations and requirements as the Governor may devise for the control and management of the organization herein provided for.

Sec. 7. That every officer and private of each of said companies shall, before entering upon duty, be required to take an oath before some one authorized by law to administer oaths, that he will use his best endeavors to arrest, and deliver to the nearest Confederate State authorities, every person reported or known to him to be a deserter, either from the State or Confederate States army, and also all persons from the interior counties who are avoiding conscription or draft service.

Sec. 8. That the pay of officers and privates, while engaged in actual service as provided in the sixth section of this act, shall be as follows, to-wit: Captains, three dollars per day; lieutenants, two dollars and seventy-five cents per day; sergeants, two dollars and fifty cents per day; corporals, two dollars and twenty-five cents per day, and privates, two dollars per day; and no other pay or allowances shall be made to officers or privates than the per diem as above provided.

Sec. 9. That any officer or private wilfully failing or refusing to perform his duty, or guilty of any other offense, shall be reported by one of the commissioned officers of his company to the district officer, whose duty it shall be to order the sitting of a Court Martial, to consist of not less than three nor more than five commissioned officers, who shall proceed to hear the evidence, and shall acquit or convict, as the merits of the case may demand; and, in case of conviction, the Court may assess such punishment as is prescribed by the rules, regulations, and articles of war, for the army of the Confederate States: Provided, if any person convicted of a minor offense be of conscript age, he may, at the discretion of the Court, be delivered to the nearest officer of the Confederate States for service on the army of the Confederate States.

Sec. 10. That it shall be the duty of the Governor to appoint such person or persons, as he may choose, to draw from the proper authorities of the State the fund appropriated for the pay of the men organized under this act. Such person or persons, so appointed, to give bond or security for the faithful performance of the duties required of them. The payments to be made to the men as often as once in every four months.

Sec. 11. That it shall be the duty of the Adjutant General to furnish the companies organized under this act, with the necessary amount of ammunition, upon proper requisitions made by the commanders of the several districts.

Sec. 12. That the Governor shall, upon the completion of the foregoing organization, turn over the Frontier Regiment, with all its equipments, to the Confederate States service: Provided, the Confederate Commander will account to the State for all property so turned over at its proper value; otherwise the the Governor shall make such disposition of said property as shall best subserve the interest of the State; any law conflicting with this provision be and the same is hereby repealed.

Sec. 13. That the Governor shall cause to be made such other regulations, for the government and control of the organizations herein provided for, as he may deem necessary, to the end that the force so provided shall be made as effectual as possible to defend the frontier; and should Confederate troops be kept on the frontier, and, in the event that the enemy should invade any portion of the State near the frontier, the Governor shall have the power to order the commanders of such districts, as may be contiguous to the scene of danger, to take the whole or part of their respective forces and participate in repelling the enemy; but in no event are such forces to be kept away from their own proper field of operations for a longer time than one month, unless such forces are used against an Indian enemy.

Sec. 14. That this act take effect and be in force from and after its passage.

Approved December 15th, 1863.

CHAPTER XXXVII.

An Act supplemental to, and to amend the first and fourth sections of an act entitled "An Act appropriating sixteen thousand dollars, or so much thereof as may be necessary, for the recovering, or repairing the roofs on the Capitol, the General Land Office, the Old Land Office, and the Treasury buildings," approved March 6th, 1863.

Section 1. Be it enacted by the Legislature of the State of Texas, That the first and fourth sections of the act before recited, be so amended as to read as follows:

"Section 1. That the sum of \$16,000, in addition to the amount heretofore expended, or so much thereof as may be necessary, be and the same is hereby appropriated, to pay for recovering, or repairing the roofs of the Capitol, the General Land Office, the Old Land Office, and the Treasury buildings."

"Section 4. The work may be let out in one or more contracts; and the said commissioners may advance upon said contract or contracts as the work progresses, money to the amount of three-fourths of the price agreed upon to be paid for said work, and no more, until the work, or each separate job of work, be completed, and if after an examination the said commissioners shall find such work well done, then the remaining one-fourth of the price agreed upon shall be paid."

Sec. 2. That the Military Board be authorized, and required, to procure and deliver to the said Board of Commissioners, the necessary tin or copper for gutters, and the nails to complete said work, and for the procuring of said tin or copper, and nails, said Board may use any funds under their control, not otherwise appropriated.

Sec. 3. That this act be in force from its passage.

Approved December 15th, 1863.

CHAPTER XXXVIII.

An Act for the relief of owners of lands sold for Taxes and bought by the State.

Section 1. Be it enacted by the Legislature of the State of Texas, That the time for the redemption of lands heretofore sold for taxes and bought by the

State, be further extended to the first day of January, 1866: Provided, that the owners of land so sold, shall pay, before that date, to the Assessor and Collector of the county wherein the sale was made, or to the Comptroller of the State, double the amount of the taxes for which the sale was made, and also all the taxes since due to the State and county on said lands, and the cost attending such sale.

Sec. 2. Be it further enacted that this act take effect from and after its passage.

Approved December 15th, 1863.

XXXIX.

An Act to Reorganize the Military Board of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That there is hereby created a Military Board of the State of Texas, to be composed of three members: the Governor of the State, who shall be ex officio President of the Board, and two other members, who shall be appointed by the Governor. The members appointed by the Governor shall be liable to be removed by him, whenever, in his judgment, the public interest may require it; they shall reside at the seat of Government, and shall receive an annual salary of twenty-two hundred and fifty dollars each; and before they enter upon the duties of their office, they shall take and subscribe the oath of office prescribed by the Constitution, and shall each give bond, with good and sufficient sureties, in the sum of twenty-five thousand dollars, payable to the State of Texas, conditioned that they will well and faithfully perform the duties of their office; which bond shall be approved by the Governor, and, together with their oaths of office, shall be filed in the office of the Secretary of State.

Sec. 2. As soon as the Military Board, created by this act, shall be organized it shall succeed to the duties of the existing Military Board, and shall take charge of all its unfinished business; and the powers of this Board shall be as those heretofore conferred on the Military Board, and shall be extended to the control of all public works and supplies, and to the aid of producing, within the State, by the importation of articles necessary and proper for such aid.

Sec. 3. The Board shall procure regular books to be kept, showing all their transactions, and shall open an account with the Comptroller and Treasurer, which shall show the general progress of their business, and at the expiration of every six months, shall file an account of their transactions, accompanied with vouchers for money paid out; the money received for articles sold by the Board, or for work done, shall be placed in the Treasury, subject to the orders of the Board for future operations, unless the Board shall order the same to be placed to the account of the general revenue.

Sec. 4. In carrying out the purposes of this act, the Board shall have power to employ two clerks, whose salaries shall not exceed fourteen hundred dollars each, and such other agents and employees as they may find necessary, allowing them reasonable compensation for their services.

Sec. 5. That this act take effect and be in force from and after its passage.

Approved December 16th, 1863.

CHAPTER XL.

An Act supplementary to, and amendatory of "An Act to suspend all laws for the collection of debts and liabilities on bonds, promissory notes, bills of exchange and contracts for the payment of money, until twelve months after the ratification of a treaty of peace, between the Confederate States of America and the United States of America, or until otherwise provided by law," approved Dec. 2d, 1863.

Section 1. Be it enacted by the Legislature of the State of Texas, That the first section of the above recited act shall be so amended as hereafter to read as follows: That until twelve months after the ratification of a treaty of peace between the Confederate States of America and the United States of

America, or until otherwise provided by law, all laws for the collection of debts and liabilities on bonds, promissory notes, bills of exchange and contracts for the payment of money, except in cases of persons who abandon the country; liabilities on the part of public officers; liabilities and indebtedness to the State, and also when money has been received on deposit or in trust for those who may be entitled to the same, and for the collection of the interest on the money loaned at interest, by guardians, belonging to their wards, are hereby suspended. Provided, That this act shall not be construed to forbid the issuance of writs of attachment, sequestration, or injunction, nor the institution of necessary preliminary proceedings for that purpose, in accordance with existing laws, and provided further, that this act shall not apply to any claim or demand against alien enemies; and provided further, that this act shall not be so construed as to interfere with the action of the Supreme Court in deciding all cases, as now directed by law.

Approved December 16th, 1863.

CHAPTER XLI.

An Act to provide for special terms of District Courts, and to extend the powers of the Judges thereof, in certain cases.

Section 1. Be it enacted by the Legislature of the State of Texas, That when any person shall be legally charged with the commission of a high crime, the Judge of the District Court having jurisdiction of the case, may call a special term of the proper court, at any time, for the trial of the case; and he may cause grand and petit jurors to be summoned in the usual mode, to attend the court, except that the drawing for the jurors may be only fifteen days before the commencement of the term; and he may cause the accused person to be brought before the court at such term, whether imprisoned or bound for appearance at a regular term; and such obligation shall be discharged by appearance and trial of the accused at the special term; and the Judge may, in all other respects, proceed in such special business, at such special term, as he might do at a regular term of the court. The order for the special term and for the jurors therefor, shall be entered as part of the minutes of proceedings of the term at the commencement thereof; and the rights of the State and of any person, interested in the proceedings of the court at such term, shall be the same that they would be in the like case at a regular term.

Sec. 2. The several Judges of the District Courts, are hereby authorized and empowered, in all cases of injunction, to hear and determine motions to dissolve the same, without determining the merits, in vacation as well as at a regular term, after answer filed, upon ten days notice of the time and place of hearing said motion, being given to the opposite party or his attorney; and by proper order have the proceedings placed upon the minutes of the appropriate court, and the said Judges shall have power to punish any and all persons for disobeying a writ of injunction, or other legal process, by fine, or imprisonment, or by both punishments, to such an extent as will enforce obedience thereto, by order made within the term time or vacation.

Sec. 3. This Act shall be in force from its passage.

Approved December 16th, 1863.

CHAPTER XLII.

An Act to provide for ascertaining conflicts in Surveys and County Boundaries, to prevent such conflicts from being hereafter created, and to provide for patenting surveys in such cases.

Section 1. Be it enacted by the Legislature of the State of Texas, That for the purpose of ascertaining conflicts in, and making proper connections of surveys and county boundaries, in cases where from discrepancies and imperfections of

field notes, it becomes necessary, for the proper compilation of maps and issuing of patents, the Commissioner of the General Land Office shall be authorized to order such surveys to be made as he may deem necessary, and to employ a competent surveyor for said purpose. All such surveys shall be made under the directions, and according to the instructions, of the Commissioner of the General Land Office, and proper field notes of the same shall be recorded in the counties or districts affected thereby, and returned to the General Land Office, with the accounts of the surveyor for making the same, which accounts shall be audited by the Commissioner of the General Land Office, and be paid by the Treasurer of the State upon his certificate.

Sec. 2. Before any county in this State, not already regularly organized as a land district, under existing law, shall be recognized as such, the county court shall cause the boundary lines of the county to be run out, plainly marked, and duly connected according to law, and the field notes of the same, duly recorded, to be forwarded to the General Land Office, and shall also file in said office, in such manner and form as the Commissioner thereof shall require, satisfactory evidence that all the requisitions of the law have been complied with, and no surveyor of any such county shall be authorized to survey any public land therein, until a certificate from the Commissioner of the General Land Office, has been recorded in his office, certifying that said county is authorized, under the law, to have a separate surveyor's office.

Sec. 3. If from mutilation or deficiency of records, or other causes, it be found impracticable to procure the requisite maps and transcripts of records, in the manner heretofore required by law, it shall be competent to procure the same from the General Land Office, and when so procured and certified, they shall be held and deemed to have the same force and effect, as the original records. Every such transcript shall be made in a well bound book, and shall be paid for by the county as now required by law, and for the purpose of making the same, the Commissioner shall be authorized to employ such additional clerks as may be necessary at any time, provided that no charge shall thereby be made to the State.

Sec. 4. Whenever, upon making proper connections of surveys, and establishing proper connections of counties, it shall appear that any survey which has been, or may hereafter be made, is entirely without the limits of the county or district in which the same purports to have been made, it shall be the duty of the Commissioner of the General Land Office, to cause the field notes or a certified copy of the same, to be recorded in the county or district in which the same is situated: provided the survey does not conflict with any previous location or survey made in the proper county, and every such survey shall be patented, and shall be as valid as though made originally in the proper county.

Sec. 5. The provisions of the first section of this act shall be deemed to extend to all necessary resurveys of University Lands, and all lands in which the State has an interest; and that the sum of twenty thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated for the purpose of enabling the Commissioner of the General Land Office to make necessary surveys under the provisions of this act, and that this act take effect and be in force from and after its passage.

Approved December 16th, 1863.

CHAPTER XLIII.

An Act to amend the third and fourth sections of "An Act to provide necessary assistance for families, and other dependents of officers and soldiers," approved March 6th, 1863.

Section 1. Be it enacted by the Legislature of the State of Texas, That the third and fourth sections of "An Act to provide necessary assistance for families and other dependents of officers and soldiers," approved March 6th, 1863, are amended so as to be as follows:

Sec. 2. In such business the court may obtain money, or other means, either

by public appropriation or by private donation; and the court may so use any funds, which it may now have, or may hereafter acquire, derived from taxation or other ordinary source; and the court shall raise funds therefor, by extraordinary taxation, as may be proper, to supply necessary assistance for the families or individuals to be provided for, so that these persons shall have suitable subsistence and comfort, and property in their charge shall have prudent management, to prevent loss or waste, and to promote appropriate income; Provided, such extraordinary taxes shall be collected, as needed, according to the State assessment, as it may be from time to time; and the aggregate of taxes so collected in each year, shall not exceed the rate of one dollar on each hundred dollars of the assessment, and in the collection of such taxes, the county courts may make any practicable arrangements for receiving payments in other articles than money, so as to promote the assistance herein provided for.

Sec. 3. In such business the court may administer the means under its control, not only in any mode which may be prescribed by law, but, consistently therewith, by any suitable instrumentalities; Provided, the court shall not distribute money to the beneficiaries for them to use at their pleasure; but, the court shall cause the means under its control to be specially applied to relieve the actual wants of the beneficiaries, in giving the assistance herein provided for.

Sec. 4. This act shall be in force from its passage.

Approved December 10th, 1863.

CHAPTER XLIV.

An Act providing for the purchase of cotton by the State, to meet the payment of the cotton bonds to be issued in pursuance of the provisions of "An Act to raise two millions of dollars, or so much thereof as may be necessary, by the sale of cotton bonds, to provide for the defense of the State, and to repel invasion, and for the purchase of machinery for manufacturing purposes," approved December 10th, 1863.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Governor of the State be, and he is hereby authorized, to have purchased, in such manner as he may consider to the best interest of the State, the cotton necessary to meet the payment of the bonds issued in pursuance of the provisions of "An Act to raise two millions of dollars, or so much thereof as may be necessary, by the sale of cotton bonds, to provide for the defense of the State, and to expel invasion, and for the purchase of machinery for manufacturing purposes, approved December 10th 1863:" and that the sum of two millions of dollars of such funds in the Treasury of the State, not otherwise appropriated, be and is hereby appropriated to be used under the direction of the Governor, in the purchase of cotton for the purposes aforesaid.

Sec. 2. Should there not be sufficient funds in the treasury of the State, to meet the appropriation made in the first section of this act, or should the Governor of the State, in his discretion, deem it advisable to use the lands of the State, to carry into effect the object of this act, in either case, the Governor is hereby authorized to execute the bonds of this State, payable from six to twelve years after the present war between the Confederate States of America and the United States of America, redeemable at the pleasure of the State, for the sum of two millions of dollars, or so much thereof as he may deem necessary, and in such sums as he may consider most suitable, bearing interest at the rate of seven per cent. per annum, from the date of their negotiation, payable in specie twelve months after the close of said war, and semi-annually thereafter, until the payment of the principal. That said bonds may, at any time, be cancelled at the pleasure of the holder or holders, by presenting said bonds to the Treasurer of the State, who shall pay the face value of said bonds in the land script of the State, at the rate of fifty cents per acre. That said bonds shall be signed by the Governor and Treasurer, and registered by the Comptroller, who shall certify the fact of said registration on the back of said bonds.

Sec. 3. The Governor shall authorize the negotiation and sale of said bonds from time to time, and the proceeds thereof shall be applied, under his direction, in carrying into effect the object of this act.

Sec. 4. This act to take effect and be in force from and after its passage.

Approved December 16th, 1863.

CHAPTER XLV.

An Act to amend the first and second sections of "An Act to regulate the sale of Beef Cattle, and to require Butchers to keep and return lists of cattle slaughtered by them, and to prevent the sale of Calves for slaughter without branding," approved March 4th, 1863.

Section 1. Be it enacted by the Legislature of the State of Texas, That the first section of the above recited act be amended, so as to read as follows, to wit: Every purchaser of beeves for the purpose of slaughter for the Confederate armies within the county where purchased or elsewhere, or for the purpose of exportation or driving to market out of the county where purchased, shall, before slaughtering as aforesaid, or exporting, or driving the same out of the county where purchased, take from each and every person from whom he purchases any such beef, or beeves, a bill of sale of the same, in writing, fully describing the number and kind of animals purchased, with the age, value, and marks and brands of each, which shall be signed by the party selling the same; and, after having had the same proven or acknowledged as required by law, shall cause the same to be filed for record in the office of the Clerk of the County Court of the county where such beeves were purchased. Such bills of sale shall be recorded by the Clerk of the County Court, in a book to be kept for that purpose, which shall be open for inspection by the public: Provided, That when there shall be no clerk of the county where such record shall be required to be made, the same shall be filed and recorded, in the manner herein required, in some adjoining county; and such record, in an adjoining county, shall not dispense with the necessity of filing and recording in the proper county, so soon as there is a clerk therein authorized to make such record.

Sec. 2. Section second of the above recited act is hereby amended, so as to read as follows, to wit: Sec. 2. Any purchaser of beef, or beeves, who shall fail to comply with, or shall violate the provisions of, the first section of this act, shall be deemed guilty of an offense against the laws of this State, and shall be liable to indictment therefor, and, upon conviction, shall be fined in a sum not less than twice nor more than five times the value of the beef, or beeves, slaughtered or driven off, contrary to the true intent and meaning of this act, one-half of which shall go to the informer and the other half shall be paid into the county treasury, to the use of the county as a jury fund: Provided, That such conviction and fine shall not be plead in bar of any civil suit for damages, brought by the owner of such beef, or beeves; nor of any criminal action to which such person might become liable for forging any bill of sale required under this act.

Sec. 3. This act shall be in force from and after its passage.

Approved December 16th, 1863.

CHAPTER XLVI.

An Act to prescribe the punishment for encouraging Desertion from the Army or Navy of the Confederate States, or the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That if any person within this State shall conceal, harbor, aid, assist, or in any manner give protection to any person who is a deserter from the army or navy of the Confederate States or the State of Texas, knowing such person to be a deserter,

or, if any person shall, in any manner, aid or assist any one who has been legally drafted for the militia service of this State, in evading or escaping from such militia service, such person or persons, so offending, shall be deemed guilty of an offense, and, upon conviction thereof by the District Court of the county where such offense was committed, shall be punished by confinement to hard labor in the State Penitentiary not more than five years, or any less punishment may be assessed by the jury, in their discretion.

Sec. 2. Any person who shall advise, or in any manner assist or encourage, any officer, soldier, seaman, or marine, to desert from the army or navy of the Confederate States or of this State, or shall advise, aid, or encourage, any person who has been legally drafted for the militia service of the State of Texas, to evade or escape from the same, shall be deemed guilty of an offense, and, upon conviction thereof in the District Court of the county where such offender resides, or in the county where such offense was committed, shall be punished by confinement in the State Penitentiary, at hard labor, not less than two nor more than five years: **Provided**, That the penalties of this act shall not attach to the wife, or mother, of any officer, soldier, seaman, or marine, or persons held to militia service in this State, as heretofore designated, who may render aid to her husband or son.

Sec. 3. The Judges of the several District Courts shall give this law especially in charge to the grand juries.

Sec. 4. That this act shall be in force from and after the first day of February, 1864.

Approved December 16th, 1863.

CHAPTER XLVII.

An Act to regulate the Estraying of Stock, in certain Counties therein named.

Section 1. Be it enacted by the Legislature of the State of Texas, That hereafter when any stray horse, mare, colt, mule, jack, or jinnet, shall be found on the plantation or land of any citizen of this State, such citizen shall forthwith advertise the same, describing the animal's color, and specifying the marks and brands, if any, at three public places in the county in which such citizen resides, one of which notices shall be on the Court-house door, for at least twenty days; after the expiration of which time, if no owner apply, it shall be lawful for such citizen to appear before some Justice of the Peace, in and for said county, and stray the same.

Sec. 2. Any citizen entitled to stray any animal, as provided in the first section of this act, shall make oath that the animal to be estrayed was taken up at his or her residence, or on his or her plantation, or on his or her land, adjoining the same; that the marks and brands have not been altered, or disfigured, since the same was taken up; that notice has been given according to law, and that no owner has been found, which affidavit shall be sworn to and subscribed by the citizen estraying, and filed: whereupon the Justice shall cause to appear before him, by summons or otherwise, two disinterested householders of his county, commanding them, after being sworn, to value and appraise the same, and certify the valuation, together with a particular description of the animal, including stature, marks, brands, color, and age, under oath, which shall be attested by the Justice, who shall thereupon require of the taker up a bond, with two or more solvent securities, for double the appraised value of such animal, payable to the Chief Justice of the County, or his successors in office, conditioned that the taker up shall comply with the provisions of this act; which affidavit, appraisalment, and bond, shall be transmitted by such Justice to the Clerk of the County Court within twenty days thereafter; for which the said Justice shall receive the same fees that are allowed for similar services by law.

Sec. 3. At any time within twelve months, it shall be lawful for the owner

of any stray horse, mare, colt, mule, jack, or jinnet, to prove his or her property by the oath or affidavit of any respectable witness, in a certificate, containing a particular description of the animal, or animals, claimed, including the kind, marks, brands, stature, color, and age, of the same, which certificate shall be sworn to and subscribed before any Justice of the county wherein such animal, or animals, may have been estrayed, and delivered to the taker up, to be filed by him in the office of the County Clerk of such county; and, on the delivery of such certificate and the payment of all costs incurred in keeping and posting such estray, or estrays, to the taker up, shall be entitled to demand and receive such animal, or animals: Provided, That when the respectability of the witness aforesaid is not known to the officer administering the oath, the party claiming shall produce satisfactory evidence of the respectability of such witness, certified by a Notary Public of the county in which the witness resides; and provided further, That in all cases when the owner and taker up cannot agree upon the charge for keeping such estray, or estrays, the Justice before whom such animal, or animals, may have been posted, shall determine the amount to be paid by the owner to the taker up.

Sec. 4. If any person or persons estraying any horse, mare, colt, mule, jack, or jinnet, shall send or take away the same out of the State of Texas, through fraud, or swap, sell, or otherwise dispose of the same, for the purpose of gain, or for the purpose of holding such property, he, she, or they, so offending, shall be liable upon his, her, or their bond, in an action for damages, in favor of the party injured.

Sec. 5. Whenever any estray animal shall be found dead, or shall escape, the taker up shall, without delay, make report thereof to the Clerk of the County Court, under oath, which report shall be recorded in an estray book; and any person who shall be found guilty of making a false report, shall be liable to an indictment, and punished therefor as in other cases of perjury, and shall, moreover, be liable on his or her bond for the value of the animal, or animals, estrayed.

Sec. 6. Each and every estray shall be kept in the county in which such animal was taken up, and may be used in moderation: Provided, That if the same be abused, the taker up shall be liable upon his bond, in damages, for such abuse, and may be sued therefor, either by the owner, or by the Chief Justice for the use of the county.

Sec. 7. If any person having in charge any estray, or estrays, shall refuse to deliver the same to the owner thereof on his complying with the requisitions of this act, such owner shall be entitled to his action therefor with damages.

Sec. 8. If any estray or estrays of any kind shall be found running at large, and not estrayed, and the owner of the same be unknown, it is hereby made the duty of the County Commissioners, or any of them, to return the same with a full description thereof, to the County Clerks of their respective counties, who shall advertise the same in the manner specified in this act; and if such animal shall not be proved away by the owner within the time allowed by the provisions of this act, the commissioner returning the same, or his successor in office, shall proceed to sell such animal, or animals, and report the sale thereof to the Clerk of the County Courts, and after paying the Clerks fees, and retaining ten per cent. of the proceeds of such sale, he shall pay the remaining sum into the county treasury, there to remain during the present war, and one year thereafter, during which time, if any person, or persons, shall come forward, claim and prove up the property thus sold, he, she, or they shall be entitled to draw from the treasury the full amount of money thus retained; and if no claimant or claimants, shall appear as provided for in this article, said funds shall be appropriated for the use and benefit of the county.

Sec. 9. It shall be the duty of the Clerk of the County Court to record the papers transmitted to him, as provided in the second section of said act, in a separate book, to be kept in his office for that purpose, and for which he shall be entitled to demand and receive, the same fees that are allowed by law for similar services, to be paid, in all cases, by the taker up: Provided, that when two or

more animals are taken up at the time time, and by the same person, they shall be included in the same entry, and the justice of the peace and Clerk shall receive no more fees than for one such animal; and each County Clerk shall cause a statement of the appraisement, and a description of the animal so estrayed, to be advertised at least three times, in some newspaper published in the county where such animal, or animals, were estrayed, if there be one, and if there be no newspaper published in the county, then the clerk shall cause the same to be advertised in the newspaper nearest to the county, and also by posting up notices at three public places in the county, one of which shall be at the court-house door thereof; and the printer of such notice shall furnish a copy of the paper containing the same to said clerk, whose duty it shall be to file and preserve the same in his office, for the inspection of all persons who may be interested; and for such publication, the printer shall be entitled to receive from the party estraying the same, the sum of two dollars, to be collected by the County Clerk, and paid to the order of the printer.

Sec. 10. The property of every stray horse, mare, colt, mule, jack, jinnet, or work ox, taken up as aforesaid, and not proven away by the owner within twelve months after such appraisement, shall be deemed vested in the county wherein such stray or estrays may have been posted, and the taker up shall immediately thereafter proceed to sell the same, for cash, to the highest bidder, at the court-house door of the county, giving notice of the same as required in the case of sheriffs' or constables' sales, and within ten days after such sale, he shall pay into the county treasury of the county, seventy-five per cent. of the proceeds of the same, and retain the other twenty-five per cent. for his own use and benefit; Provided, that each and every return of sale shall be made to, and filed by the County Clerk of the county, and sworn to by the taker up; Provided, also, that the owner of the property so estrayed, may at any time during the continuance of the present war, or one year after the ratification of a treaty of peace between the United States and the Confederate States of America, come forward to the county treasurer, and upon proof of such ownership, shall be entitled to have and receive the amount so deposited, after paying such costs as may be necessary to establish his right thereto.

Sec. 11. Any citizen taking up any stray cattle, other than work oxen, hogs, sheep, or goats, shall proceed in the same manner as required in the case of horses, etc., except advertising in a newspaper; and any person estraying the same, at the expiration of six months from the date of appraisement, and shall proceed to give notice as required in cases of sheriffs' or constables' sales, and to sell such estrays, where they were taken up, if not less than three bidders attend such sale; Provided, that no animal of the kind enumerated in this section, except work oxen, shall be subject to be estrayed, unless the same shall have been on the plantation or land of the taker up, at least six months previous to the time of estraying the same; Provided, the proceeds of the sale of estrayed stock, sold under the provisions of this act, shall be paid into the treasury of the county in which said stray or estrays, were sold, and disposed of as in section ten of this act.

Sec. 12. That in making the returns of sales under this act, the taker up, shall, in all cases, give the names of at least three of the bidders, who were present at said sale.

Sec. 13. This Act shall take effect and be in force from and after its passage in the following named counties, and in no others, to-wit: Panola, Rusk, Red River, Bowie, Davis, Marion, Harrison, Shelby, Nacogdoches, San Augustine, Smith, Angelina, Cherokee, Houston, Tyler, Hardin, Jasper, Newton, Sabine, Polk, Anderson, Trinity, Wood, Fannin, Van Zandt, Hopkins and Lamar.

Approved December 16th, 1863.

CHAPTER XLVIII.

An Act to amend Article 88, Chapter II and Article 123 Chapter VI, of the Penal Code.

Section 1. Be it enacted by the Legislature of the State of Texas, That Article 88, Chapter II, and Article 123, Chapter VI, be so amended that they shall respectively read as follows, to-wit:

Art. 88. The salaries of the Superintendant, Directors, Physician, and Chaplain, shall be paid quarterly by the Financial Agent, out of the funds of the Institution, and the salary of the Financial Agent shall be paid quarterly by the State Treasurer, out of the funds of the State, on the warrant of the Comptroller.

Sec. 2.—Art. 123. He shall be the purchasing, selling and disbursing agent of the Penitentiary. Before entering on the discharge of his duties, he shall execute a bond in the sum of one hundred thousand dollars, payable to the State of Texas, with two or more good and sufficient securities, to be approved by the board of directors, conditioned as follows: That he will honestly and faithfully discharge the duties of his office as such agent; that he will deposit or pay over, all such sums of money, which may come into his hands as Financial Agent, not necessary for the current expenses of the Penitentiary, as may be directed by law, or may be ordered by the Governor; that he shall pay all accounts for services rendered, and purchases made on the presentation of proper vouchers; and that he shall pay all drafts drawn on him by the Superintendant for any purposes authorized by law. Said bond shall be recorded in the Directors book of minutes, and by them shall be transmitted to the Department of State, and the same shall remain, unless called for by the proper authorities, for necessary purposes.

Sec. 3. That this Act take effect and be in force from and after its passage, and that all laws, and parts of laws, in conflict with the provisions of the same, be and the same are hereby repealed.

Approved December 16th, 1863.

CHAPTER XLIX.

An Act making an appropriation to defray the expenses of defending the Frontier for the years 1864 and 1865, in pursuance of the provisions of "An act to provide for the protection of the Frontier, and turning over the Frontier Regiment to the Confederate States service," approved Dec. 15th, 1863.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of one million dollars in Confederate States Treasury Notes, be and the same is hereby appropriated, to be expended in defraying the expenses of defending the Frontier for the years 1864 and 1865, as provided for in the act mentioned in the title hereof.

Approved December 16, 1863.

CHAPTER L.

An Act supplementary to an act to provide for the Protection of the Frontier, and turning over the Frontier Regiment to the Confederate States service, approved December 15th, 1863.

Section 1. Be it enacted by the Legislature of the State of Texas, That the ammunition mentioned in the fourth and other sections of the act to which this is supplementary, shall be furnished to the men upon proper requisitions, at the cost of the State, and without charge to the men.

Sec. 2. That the person to be appointed by the Governor, under the provisions of the act to which this is a supplement, to act as paymaster to said Frontier organization, shall have the rank and pay of a captain of cavalry, and

before entering upon the duties of his office, give bond in such an amount as the Governor may require, with two or more responsible sureties for the faithful performance of the duties required of him, such bond to be approved by the Governor.

Sec. 3. That the men are only to be paid for such time as they are actually on duty, and not for such time as they are at home; and, if at any time more than one-fourth of any one of said companies should be ordered on duty, no additional pay shall be allowed the men or officers, unless such additional duty was performed under orders from the Governor, or under orders approved by him. This act to take effect and be in force from its passage.

Approved December 16th, 1863.

CHAPTER LI.

An Act supplemental to an act to provide for the protection of the Frontier, and for the transfer of the Frontier Regiment.

Section 1. Be it enacted by the Legislature of the State of Texas That all that portion of Karnes County lying southwest of the San Antonio River, and all that part of Bee County lying southwest of the Medio River, be and the same are hereby embraced in the provisions of the above recited act.

Sec. 2. This act shall be in force from and after its passage.

Approved December 16th, 1863.

CHAPTER LII.

An Act for the further relief of purchasers of University Lands.

Section 1. Be it enacted by the Legislature of the State of Texas. That the purchasers of University lands shall have until the expiration of twelve calendar months, from and after the declaration of peace between the Confederate States of America and the United States of America, or until otherwise provided by law, to make payment of the instalments and interest due the University fund for said lands: Provided, That all such payments shall be made in State bonds and State treasury warrants; that this act shall not be construed to prevent such persons, as may desire to do so, from paying the instalments due, or the interest, or the entire purchase money, due for them; and provided further, that the sureties of each purchaser assent, in writing, to the extension of time, or the principal renew their notes, with two or more sureties, to be approved by the Comptroller.

Sec. 2. That no forfeiture shall accrue by reason of failure of purchasers to pay their several debts due for University lands, previous to the expiration of the time mentioned in the first section of this act.

Sec. 3. That the provisions of this act shall apply to all purchasers of University lands, as well to those who have paid in part as to those who have failed to pay any portion of their indebtedness.

Sec. 4. That an act, entitled "An act for the relief of purchasers of University lands," approved January 4th, 1862, be and the same is hereby repealed.

Sec. 5. That this act shall take effect and be in force from and after its passage.

Approved December 16th, 1863.

CHAPTER LIII.

An Act to amend the third section of the Act, entitled "An Act to change and provide an uniform time for terminating the Fiscal Year of the several Officers of the State Government, approved December 11th, 1857.

Section 1. Be it enacted by the Legislature of the State of Texas, That the third section of "An Act to change and provide an uniform time for termin-

ating the fiscal year of the several officers of the State government," approved December 11th, 1857, be amended so as to be in force as follows: Sec. 3. Twenty copies of the report of the Comptroller, and ten copies, respectively, of the reports of the Treasurer, Commissioner of the General Land Office, Secretary of State, Attorney General, Adjutant General, Directors of the State Penitentiary, and other public officers and managers of institutions, required to report to the Governor, shall be printed for the use of each member of the Legislature; and the Secretary of State shall send the same, in proper proportions, to the presiding officers of both Houses of the Legislature, at the commencement of each regular session, for the use of the members.

Approved December 16th, 1863.

CHAPTER LIV.

An Act to provide for the Manufacture of Iron by the Military Board.

Section 1. Be it enacted by the Legislature of the State of Texas, That it shall be the duty of the Military Board to erect and put into operation one or more furnaces and forges, and other suitable works, for the manufacture of iron, to be located at such place, or places, as may be selected by said board.

Sec. 2. That all iron manufactured by said board, or under their direction, not needed for the defense of the State or in the performance of their duties, shall be sold to the people, according to such regulations and on such terms as said Military Board may establish, and the proceeds of such sales paid into the treasury of the State.

Sec. 3. That one million of dollars, or so much thereof as may be necessary, be and the same is hereby appropriated for the purpose of carrying into effect the provisions of this bill.

Sec. 4. That this act take effect and be in force from and after its passage.

Approved December 16th, 1863.

CHAPTER LV.

An Act to amend Article 960 of the Code of Criminal Procedure.

Section 1. Be it enacted by the Legislature of the State of Texas, That Article 960 of the Code of Criminal Procedure shall be so amended, as hereafter to read as follows: The Sheriff shall receive from the county, for each guard he may employ, and for the support and maintenance of each prisoner in his custody, such amount as the Chief Justice may, in his discretion, designate as necessary and sufficient: and that this act take effect from its passage.

Approved December 16th, 1863.

CHAPTER LVI.

An Act to punish certain offences committed on Sunday.

Section 1. Be it enacted by the Legislature of the State of Texas, That any person, or persons, who shall compel his or her slaves, children, or apprentices, to labor on the Sabbath, the day known as Sunday, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not less than ten nor more than fifty dollars: Provided, That household duties, works of necessity and charity, shall not be prohibited by this act: Provided further, That this act shall not apply to any work done on sugar plantations during the sugar-making season, or any work that may be necessary to save any crop.

Sec. 2. That any person, or persons, who shall run or be engaged in running any horse races, or engage in the retail of spirituous or other intoxicating liquors,

or who shall permit or allow the use of any nine or ten pin alley, or billiard table, or who shall be engaged in match shootings, on Sunday, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not less than fifteen nor more than fifty dollars.

Approved December 16th, 1863.

CHAPTER LVII.

An Act authorizing the Comptroller of State to receive from Railroad Companies in this State the interest that may be now due, or hereafter become due, on their Bonds.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Comptroller of the State be, and he is hereby, authorized to receive from the railroad companies in this State, who are indebted to the special school fund, all interest on their bonds that may now be or hereafter become due: Provided, the same is tendered in State bonds, or in State treasury warrants, previous to the meeting of the next regular session of the State Legislature.

Sec. 2. That for all sums so paid in, the Comptroller and Treasurer shall issue to the special school fund the bonds of the State, bearing six per cent. interest.

Sec. 3. This act take effect from its passage.

Approved December 16th, 1863.

CHAPTER LVIII.

An Act to regulate Publication Notices in certain cases.

Section 1. Be it enacted by the Legislature of the State of Texas, That all legal publication notices, now required to be given by administrators, executors, County Clerks and Chief Justices of the several counties, and which said notices are required by the existing laws to be printed in some newspaper, shall hereafter be given by publication in such newspaper as shall be designated by the Chief Justice of the respective counties, by an order entered upon the records of the County Court.

Sec. 2. That this act be in force and effect from and after its passage, and all laws conflicting with the provisions of this act are hereby repealed.

Approved December 16th, 1863.

CHAPTER LIX.

An Act to amend the first section of an act, to amend the fourth section of an act entitled "An act regulating attachments," approved March 11th, 1848, passed July 24th, 1856.

Section 1. Be it enacted by the Legislature of the State of Texas, That the first section of the above recited act is hereby amended so that the same shall hereafter read as follows, to-wit: The Judges and Clerks of the District Courts, and Justices of the Peace, may issue original attachments, returnable to their respective courts, upon the party applying for the same, his agent or attorney; making an affidavit in writing, stating that the defendant is justly indebted to the plaintiff, and the amount of said demand; also, that the defendant is not a resident of this State: or that he is about to remove out of this State; or has abandoned the country; or that he secretes himself so that the ordinary process of law cannot be served on him; or that he is about to remove his property beyond this State; or that he is about to remove his property beyond the county in which the suit is to be, or has been, commenced; or that he is about to transfer, or secrete, or has transferred or secreted, his property for the purpose of defrauding his creditors, and that thereby the plaintiff will probably

lose his debt; and he shall also swear, that the attachment is not sued out for the purpose of injuring the defendant.

Sec. 5. That this act take effect and be in force from and after its passage.

Approved December 16th, 1863.

CHAPTER LX.

An Act to raise Revenue by Taxation.

Section 1. Be it enacted by the Legislature of the State of Texas, That there shall be levied and collected, for the use of the State, an annual tax, as provided in the following sections of this act:

Sec. 2. A tax of one-half of one per cent. shall be levied and collected, in kind, on all specie, treasury notes of the Confederate States of America, treasury warrants of the State of Texas, and bank notes, held or owned within this State; and all foreign bills of exchange and certificates of deposit, and other evidences of money being deposited, or credited, beyond the limits of this State, owned by persons residing therein, shall be considered as specie, and thereon shall be levied and collected a tax of one-half of one per cent. in specie: Provided, this act shall not be construed so as to tax a deposit at any place now in possession of the public enemy of the Confederate States and within their limits, in case such deposit was made prior to the possession of such place by the public enemy.

Sec. 3. There shall be levied and collected of each free male person, over the age of twenty-one years, resident in this State, idiots, lunatics, and persons otherwise non compos mentis excepted, a poll tax of one dollar.

Sec. 4. Each person, or firm, engaged in the sale of goods, wares, and merchandize, except distilled spirits, fermented liquors, and wines, shall pay a tax of fifty cents on each hundred dollars, proceeds of sales of such articles, purchased for sale, or received for sale as agent or auctioneer, by such persons, or firm: the tax on sales in specie to be paid in specie. It shall be the duty of each Assessor and Collector, once in every three months, or oftener, to call on each person, or firm, so occupied or engaged in his county, for an account of such sales on such purchases and consignments, to be made under oath, which account shall state such sales as were made for paper currency, and such as were made for specie. Each person, or firm, when so called on, who shall fail or refuse to furnish the Assessor and Collector such an account of sales made during the period for which the account is required, shall be fined in any sum not less than one hundred dollars, nor more than five thousand dollars, by any Court of competent jurisdiction; and, on the verdict of a jury, the Court may add imprisonment in the county jail not exceeding six months. It shall be the duty of the Assessor and Collector, whenever he shall have good reason to believe that any person has been guilty of violating the provisions of this section, to make complaint of the same before some Magistrate, and to have such person bound to appear and answer before the District Court. Nothing herein contained shall be construed so as to require tax to be twice paid on any currency or money received for such sales: nor shall said goods, wares, and merchandize, be subject to the ad valorem tax.

Sec. 5. There shall be levied and collected of each person pursuing the occupation of hawker, or peddler of articles not produced in the State, an annual direct tax of fifty dollars in each county wherein he may pursue such occupation; of each person, or firm, keeping a billiard table, for play and emolument, an annual direct tax of one hundred dollars for each table so kept; of each person, or firm, keeping a nine or ten pin alley, an annual direct tax of one hundred dollars for each alley so kept; of each person, or firm, keeping a hotel in a town having over five hundred, and not more than two thousand inhabitants, fifteen dollars; in a town having over two thousand, and not more than five thousand inhabitants, twenty dollars, and in a town having more than five thousand inhabitants, thirty dollars; on each person, or firm, keeping any res-

restaurant, cook shop, or eating house, for pay or emolument, fifteen dollars; on each person, or firm, keeping an establishment for retailing distilled spirits, fermented liquors, and wines, all or any of such articles, twenty-five dollars; on each person, or firm, keeping a storage warehouse, ten dollars; on each person, or firm, engaged in re-pressing cotton, twenty-five dollars; on each insurance company, fifty dollars; on each person, or firm, keeping a livery stable, fifteen dollars; on each toll bridge, or ferry, kept and used for pay, as much as six months in a year, ten dollars; on each person engaged in the practice of dentistry, for pay or emolument, ten dollars; on each person, or firm, pursuing the occupation of real estate broker, ship broker, cotton broker, or any commission business, for each establishment therefor, twenty dollars; on each person, or firm, engaged in the business of underwriting, ten dollars; on each pawnbroker, forty dollars; on each person engaged in negro trading, for each negro sold, fifty dollars. It shall be the duty of each person, or firm, proposing to engage in the occupation of hawker or peddler, keeper of a billiard table, keeper of a nine or ten pin alley, keeper of a cook shop, an eating house, or a restaurant, keeper of a race track, keeper of a hotel, an auctioneer, or a pawnbroker, before entering on the occupation, as proposed, to call on the Assessor and Collector of the county wherein the occupation is to be pursued, and pay the tax as required, and take a receipt therefor, stating the occupation and the amount of tax paid, and file it with the Clerk of the County Court, who shall thereon issue to such person, or firm, a license to follow such occupation for the time for which the tax shall have been paid: Provided, no license shall be issued for a less time than three months; nor shall a license be issued to any person, or firm, until each interested person shall have taken and subscribed, before the Clerk, or some Notary Public, an oath of allegiance to the Confederate States of America. It shall be the further duty of the Clerk to keep a book, in which he shall enter the names of all persons obtaining licenses, with the amounts of taxes paid, and the dates of the licenses. This book shall be open, at all times, for inspection by the County Court, and by all other officers, executive or judicial, of the county. The Clerk shall transmit to the Comptroller, on the first of June in each year, a transcript of so much of said book as shall relate to the licenses issued within the year next preceding such date; which transcript shall be authenticated by the certificate of the Chief Justice, under his official seal. And the Clerk, for his services in relation to such book and transcript, shall be entitled to a fee of one dollar, in each case, to be paid by the party obtaining the license.

Sec. 6. If any person, or firm, shall pursue any occupation, for which a license is required, as aforesaid, without first having obtained a license, each person interested as a party in pursuing such business, shall be guilty of a misdemeanor; and any such offender, on conviction, shall be fined not less than double the amount of the tax for such occupation, nor more than five times the amount of such tax, and may be imprisoned not exceeding thirty days. In case the prosecution shall have been instituted by an informer, the Court shall award to him one-half of the fine, to be paid to him when collected; and, with such exception, any such fine shall be paid to the Assessor and Collector, to be accounted for as other taxes collected by him.

Sec. 7. If any person shall be engaged in any business requiring a license, as aforesaid, without having first obtained a license therefor, he shall be liable to arrest of his person, seizure of his goods, and search of his premises, in the following manner: On affidavit of any respectable person, showing certainty, or probable cause for believing, that a particular person has committed some such specific offense within the county where such showing shall be made, any District Judge, or Justice of the Peace, having jurisdiction therein, may issue a warrant for arresting the person so accused; and, on the same or another affidavit of a respectable person, showing certainty, or probable cause for believing, that the person so accused will remove or secrete any of his property for the purpose of evading the payment of a fine, the Judge or Justice of the Peace, by warrant, may authorize the seizure of so much of the personal property of the

accused as may be necessary to secure payment of the highest fine allowed by law; and, on the same or another affidavit of a respectable person, showing certainty, or probable cause for believing, that property of the accused person, liable to such seizure, may be secreted or otherwise secured in any house, or other enclosure, described in the affidavit, the Judge or Justice of the Peace, by warrant, may authorize a search of said premises, for the purpose of such seizure. On the return of such warrant for arrest, executed by any officer authorized to execute such process, the accused person, as required by the warrant, shall be brought before some Judge or Justice of the Peace, having jurisdiction, for commitment in such case; and such tribunal, on examination of the case, shall discharge, bind, or commit, the accused person, as the evidence may justify; and, if the warrant for seizure of goods be legally executed, the seized articles shall be accounted for, so as to satisfy the tribunal, and, if the accused should be discharged, his goods shall be delivered to him; but otherwise the goods shall be in the keeping of such person as the tribunal may designate, to secure payment of a fine, if imposed: Provided, the property shall be subject to be replevied, as in ordinary cases of sequestration. And such process may be executed by the Assessor and Collector, or the Sheriff, or the Coroner, or a Constable.

Sec. 8. Any tax on property, as prescribed by law, when the property shall have been assessed, shall be a lien thereon for payment of the tax; and the lien shall continue, with liability for its enforcement, until the property shall have been relieved therefrom by legal payment or relinquishment of the tax.

Sec. 9. All laws that are incompatible with this law are repealed; but it shall not be construed as repealing the existing laws authorizing County Courts to levy and collect taxes.

Sec. 10. This act shall be in force from its passage.

Approved December 16th, 1863.

CHAPTER LXI.

An Act making appropriations for the use and support of the State Government for the years 1864 and 1865.

Section 1. Be it enacted by the Legislature of the State of Texas, That the following sums be and they are hereby appropriated for the use and support of the State Government for the years 1864 and 1865, to be paid in Confederate Treasury notes:

Executive Department.

Salary of Governor.....	per annum, \$3,000.....	\$6,000
Salary of Private Secretary.....	per annum, 1,200.....	2,400
Contingent expenses.....	per annum, 2,000.....	4,000
Recovering fugitives from justice.....	per annum, 6,000.....	12,000
Publishing proclamations.....	per annum, 5,000.....	10,000
Stationery.....	per annum, 1,000.....	2,000
Postage.....	per annum, 750.....	1,500
Furnishing Governor's mansion.....	per annum, 2,000.....	4,000
For repairs of premises on which the Governor's mansion is situated.....		2,000

Department of State.

Salary of Secretary of State.....	per annum, 1,800.....	3,600
Salary of Chief Clerk.....	per annum, 1,400.....	2,800
Printing.....	per annum, 600.....	1,200
Porter hire and wood.....	per annum, 500.....	1,000
Contingent expenses.....	per annum, 300.....	600
Stationery and books.....	per annum, 500.....	1,000
Postage.....	per annum, 500.....	1,000
Assistant Clerk.....	per annum, 1,000.....	2,000
Distributing Laws and Journals of Tenth Legislature.....		5,000

Printing Laws and Journals of Tenth Legislature	\$12,000
Printing Biennial Reports	8,000
For purchase of fire-wood, lighting material, stationery, and fitting up the Capitol for the next Legislature, taking care of the Capitol, for repairing and taking care of the furniture, and for taking care of the Capitol square and out-buildings	5,000

Comptroller's Department.

Salary of Comptroller	per annum, 1,800.....	3,600
Salary of Chief Clerk	per annum, 1,400.....	2,800
Salary of Tax Clerk	per annum, 1,200.....	2,400
Salary of Civil Accountant	per annum, 1,200.....	2,400
Salary of Military Accountant	per annum, 1,200.....	2,400
Salary of four Assistant Clerks	per annum, 3,600.....	7,200
Contingent expenses	per annum, 400.....	800
Books and stationery	per annum, 1,600.....	3,200
Printing	per annum, 1,500.....	3,000
Postage	per annum, 500.....	1,000
Blank assessment rolls	per annum, 1,000.....	2,000
Fire-wood for Treasury building	per annum, 1,000.....	2,000
Porter hire	per annum, 900.....	1,800
For the services of a Clerk to the Board on Funding Treasury Warrants, from the 20th of October, 1862, to the 20th of February, 1863		300
Deficiency for last year, viz:		
Fire-wood for Treasury building		1,529
D. Richardson, for printing		879
Military Board, for stationery		4,441

Treasurer's Office.

Salary of Treasurer	per annum, 1,800.....	3,600
Salary of Chief Clerk	per annum, 1,200.....	2,400
Contingent expenses	per annum, 200.....	400
Stationery, postage, and printing	per annum, 150.....	300

General Land Office.

Salary of Commissioner	per annum, 2,000.....	4,000
Salary of Chief Clerk	per annum, 1,400.....	2,800
Salary of Receiver	per annum, 1,200.....	2,400
Salary of Translator	per annum, 1,200.....	2,400
Salary of File and Application Clerk	per annum, 1,200.....	2,400
Salary of Registering Clerk	per annum, 1,200.....	2,400
Salary of ten Assistant Clerks, each	per annum, 900.....	18,000
Salary of Chief Draughtsman	per annum, 1,200.....	2,400
Salary of three Assistant Draughtsmen, each	per annum, 1,100.....	6,600
Salary of six 2d Ass't Draughtsmen, each	per annum, 1,000.....	12,000
Stationery	per annum, 1,000.....	2,000
Contingent expenses	per annum, 400.....	800
Postage	per annum, 800.....	1,600
Fire-wood	per annum, 1,200.....	2,400
Printing	per annum, 300.....	600
Porter hire	per annum, 900.....	1,800
Deficiency for wood for Land Office, 1863		740

Adjutant General's Office.

Salary of Adjutant General	per annum, 2,000.....	4,000
Salary of Assistant Quartermaster General	per annum, 1,200.....	2,400
Four Clerks, each	per annum, 900.....	7,200
Books and stationery	per annum, 2,000.....	4,000
Porter hire and wood	per annum, 1,000.....	2,000
Postage	per annum, 500.....	1,000
Printing	per annum, 2,000.....	4,000
Contingent expenses	per annum, 1,000.....	2,000
Outstanding debts, due and unpaid, for the years 1862 & '63, for printing...		1,500

Judiciary—Supreme Court.

Salary of three Judges, each	per annum,	3,000.....	\$18,000
Contingent expenses of the Supreme Court	per annum,	3,000.....	8,000
Pay of Sheriffs	per annum,	609.....	1,218
Porter hire	per annum,	300.....	600
Publishing Reports	per annum,	7,000.....	14,000
Clerks' fees in felony cases	per annum,	150.....	300
Salary of Librarian, at Galveston, for 1862			300

District Courts.

Salary of twenty Judges, each	per annum,	2,250.....	90,000
Salary of twenty District Attorneys, each	per annum,	500.....	20,000
Costs due Clerks, Sheriffs and District Attorneys	per annum,	5,000.....	10,000

Attorney General's Office.

Salary of Attorney General	per annum,	1,800.....	3,600
Contingent fund	per annum,	100.....	200
Fees in felony cases	per annum,	250.....	500

Pensions.

Cynthia Ann Parker	per annum,	100.....	200
Allsbury, Juana Navarro	per annum,	100.....	200
Anderson, W. H.	per annum,	100.....	200
Barnett, Thomas	per annum,	100.....	200
Cole, David	per annum,	100.....	200
Day, James M.	per annum,	100.....	200
Davis, Rolla M.	per annum,	100.....	200
Field, Joseph E.	per annum,	200.....	400
Nichols, James W.	per annum,	100.....	200
Norris, Thomas	per annum,	100.....	200
Smith, H. M.	per annum,	250.....	500
Shepperd, Charles	per annum,	125.....	250
Thacker, J. B.	per annum,	100.....	200
Webb, David	per annum,	100.....	200
Stump, John S.	per annum,	200.....	400
Cooper, Dillard	per annum,	200.....	400

Penitentiary.

Salary of Superintendent	per annum,	1,500.....	3,000
Salary of Financial Agent	per annum,	1,500.....	3,000
Salary of three Directors, each	per annum,	250.....	1,500
Salary of Chaplain	per annum,	250.....	500
Salary of Physician	per annum,	500.....	1,000
Stationery, postage, and printing	per annum,	300.....	600
Transportation of convicts			15,000

Asylums.

Support of Lunatic Asylum	per annum,	50,000.....	100,000
Support of Deaf and Dumb Asylum	per annum,	34,000.....	68,000
Support of Blind Asylum	per annum,	16,000.....	32,000

Miscellaneous.

Slaves executed	per annum,	4,000.....	8,000
Scholastic for 1864 and 1865. (interest on School Fund,)			11,000
For support of Militia, embracing subsistence, expenses already accrued, transportation, pay, &c., &c.			80,000
For the Alabama, Coshattree and Muscogee Indians	per annum,	1,000.....	2,000
For defense of the State, in case of necessity, subject to the disposition of the Governor			2,000,000

State Army.

For the State Army	per annum,	7,000.....	14,000
Store house, (guard, &c.,)	per annum,	9,800.....	19,600
For two Librarians	per annum,	600.....	1,200
To pay John C. Glover, Sheriff of Leon county, for taking a lunatic (B. F. Hardinett) to Lunatic Asylum			76

To pay compensation of the person, or persons, employed in negotiations as to the State cotton bonds, embracing the sale of them and the investment of proceeds, to be paid in specie, out of any such funds in the treasury not specifically appropriated to another purpose, or out of the proceeds of the bonds \$10,000
 Sec. 2. That this act take effect from and after its passage.
 Approved December 16th. 1863.

CHAPTER LXII.

An Act to amend an act entitled an act for the erection and support of a Lunatic Asylum, approved August 28th, 1856, and an act entitled an act to provide for the organization of the State Lunatic Asylum, and for the care and maintenance of the Insane, approved July 5th. 1858.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Superintendent of the Lunatic Asylum shall make report quarterly, to the Comptroller, of all the expenses of said Asylum, instead of the semi-annual report required by the act to which this is an amendment, to be made to the Governor. The Superintendent, hereafter, shall make annual reports to the Governor, on the first of October, of the condition of the Asylum and its inmates.

Sec. 2. That the eighth section of said act be so amended as hereafter to read as follows:

If information in writing be given to any Chief Justice of a county, that any person in his county is an idiot, or lunatic, or non compos mentis, and that the welfare of himself, or of others, require that he be placed under restraint, and said Chief Justice shall believe such information to be true, he shall order such person to be brought before him, and twelve competent jurors of the county to be summoned, who shall be sworn to inquire and a true verdict render, whether said person is of sound mind or not; whereupon the matter shall be tried, and if the jury shall return a verdict that the person is not of sound mind, and that he should be placed under restraint, the same shall be recorded, and the Chief Justice shall thereupon order him to be sent to the Lunatic Asylum. Upon the trial and inquiry herein provided for, the examination of the insane, and the testimony of the witnesses, shall be reduced to writing and filed. The proceedings of the Chief Justice, in relation to insane persons, shall be minuted in the records of his court appertaining to estates of deceased persons.

Sec. 3. That the tenth section of said act be so amended as hereafter to read as follows:

Before sending a patient to the Asylum, the Chief Justice shall, without delay, cause authenticated copies to be made of the proceedings, evidence and decree of the original inquisition, and of the record of all subsequent inquisitions and orders, to be forwarded, by mail, to the Superintendent of the Lunatic Asylum; and in all cases, shall, before sending said person, ascertain from the Superintendent, by application in writing, that there is a vacancy, and that the officers of the Asylum cannot send for him. Thereupon, the Chief Justice shall issue his warrant to the Sheriff, or other suitable individual, ordering him to convey said person to the Asylum without delay; and when satisfied of the necessity for assistants, he shall prescribe, in such warrant, the number to be allowed, which shall, in no case, exceed two; and he shall see that the patient is provided with two good and full suits of summer and one of winter clothing.

Sec. 4. That the eleventh section of said act be so amended as hereafter to read as follows:

If any person charged with, or convicted of, any criminal offence, be found to be insane, in the court before which he is so charged or convicted, said court shall order him to be conveyed to, and retained in, the State Lunatic Asylum; and he shall be received and retained until removed by order of the court, or of the Judge thereof, by which he was committed to the Asylum. Provided,

the person so committed to the Asylum, may be removed to the custody of the Sheriff of the county in which he is charged or convicted as aforesaid, by the order of any Judge of the District Court, or discharged upon the order of a Judge authorized to issue the writ of Habeas Corpus, as in other cases authorized by law.

Sec. 5. That the eighteenth section of said act be so amended as hereafter to read as follows:

The expenses of removing to, and from the Asylum, clothing and maintenance therein, of every person received upon the order of any Chief Justice, shall be paid by the Treasurer of the county, when, and as they become due and payable. And the County Court shall have the right to require every individual legally liable for the support of such patient, to reimburse the amount so paid, with interest from the time of paying the same.

Sec. 6. That the twenty-second section of said act be so amended as hereafter to read as follows:

The officer complying with the order of the court, or the Superintendent, in carrying a patient to the Asylum, shall be paid at the rate of ten cents per mile for himself, and each guard, (authorized by the court,) going and returning, besides tolls and ferriages, and the same for the patient going. The compensation for returning fugitives to be paid out of the Treasury of the Asylum, upon proper vouchers, and for all others, out of the County Treasury, as provided by the fifth section of this act.

Sec. 2. Be it further enacted that this act take effect from and after its passage. Approved December 16th, 1863.

LXIII.

An Act to provide for the Defense of the State.

Section 1. Be it enacted by the Legislature of the State of Texas. That the Governor of the State is hereby empowered to continue in the service of the State, the State Militia now in the field, for the term of six months after their present term of service expires. He is hereby further empowered, to order into the same service, the Militia now remaining at home. These powers are to be exercised when he shall deem the said Militia necessary to enforce the laws, suppress insurrections or to repel invasion, and are to be subject to the restrictions hereinafter expressed.

Sec. 2. The Governor shall order all the Militia, not now in the field, to be enrolled, and without loss of time after such enrollment, the men so enrolled, shall proceed to, and become members of, the companies, battalions and regiments raised in their several counties and brigade districts. Such enrollment shall be made within one month preceding the expiration of the term of service of the Militia now in the field, and in time to allow those enrolled to join their companies before the expiration of said term of service.

Sec. 3. When the time shall have arrived for the term of service of the Militia now in the field to expire, there shall be a reorganization of the Militia, by the election of company and field officers. At said election, all those shall be allowed to vote who are now in the field, and also those who shall have joined their companies prior to such reorganization.

Sec. 4. The whole number of Militia, except commissioned officers, thus organized, shall be divided into three classes, to be called the First Class, the Second Class, and the Third Class. The third class shall be composed of those who are not now in the field, and who shall be ordered there under the provisions of this law. The commanding officers of brigades, unattached companies, battalions and regiments, shall divide the Militia now in the field, into two classes, in the following manner: There shall be put in a hat, for each company now in the field, as many tickets as there are private soldiers in such company. One-half of these tickets shall be numbered one, and one-half shall be numbered two. The roll shall be called, and each man, as his name is called, shall draw

out a ticket. Those drawing a ticket marked one, shall be of the first class, and those drawing a ticket marked two, shall be of the second class. Should any man be absent, then the officer in command of such company, shall draw for him. This classification shall be made at the time of the reorganization, as ordered in section three of this act. The non-commissioned officers shall, at the same time, and in the same manner, be classified, but shall draw separately from the private soldiers. But persons in the Militia liable to service in the army of the Confederate States, shall not be classified, or furloughed, as hereinafter provided.

Sec. 5. Such reorganization and classification being completed, all those of the first class shall be furloughed for the term of three months, at the expiration of which, they shall return to their respective companies, and at that time all those of the second class shall be furloughed for a like time, and so, also, with the third class. Commanders of brigades shall devise a system of leaves of absence for commissioned officers, in such manner as to grant them, without detriment to the country, reasonable time to visit their families and attend to necessary business.

Sec. 6. If any person not now in the Militia in the field, but liable, under this act, to be called into service, shall be called into service, and shall fail, without reasonable excuse, to join his company or regiment, as herein required, he shall be deemed guilty of desertion, and may be proceeded against, tried and punished according to the articles of war and regulations for the army of the Confederate States.

Sec. 7. The Militia of this State, organized according to the provisions of this act, and under the immediate command of officers appointed by the Governor, may by him be put under the orders of the commander of the army of the Confederate States in the District of Texas, the Confederate States paying, subsisting and clothing the said Militia as Confederate troops. Said Militia shall not be sworn into the service of the Confederate States, but shall always remain liable to the ultimate control of the Governor, if he deem it proper at any time to exercise such control; and they may, at any time, by him withdrawn or disbanded.

Sec. 8. In all cases when the Militia of this State shall be in the field under an order from the Governor, or act of the Legislature, and the Confederate States shall refuse to grant them pay, subsistence and allowances as to Confederate troops, then the Militia shall have pay, subsistence and allowances, the same as allowed to Confederate troops, to be furnished by this State.

Sec. 9. Should the Governor disband the Militia, the said classification and organization shall not be destroyed. In that case the Militia shall be a reserve force, to be again called out should occasion require, and such call shall be made upon the two classes whose turn it is to be in the field, it being the object of this act to retain always at home, one-third of the Militia of the State, and to keep two-thirds of the Militia in active service during the present war, whenever there shall be necessity of such service.

Sec. 10. No person who has a substitute in the Militia now in the field, and who, if he had not such substitute, would be liable to Militia duty, shall because of having furnished a substitute, be deemed exempt from Militia duty, after the expiration of the present term of service of the Militia now in the field; but such person shall belong to the first or second class of Militia, as shall be determined by lot, and when the lots are drawn, as provided in section three, he shall draw with the rest, if he be present, and if not, the officer in command of the company shall draw for him, and the substitute, if liable to Militia duty, shall belong to the third class.

Any person belonging to either of the classes may, with the consent of the commanding officer of his company, exchange places with another of a different class in the same company.

Sec. 11. This Act shall be in force from and after its passage, and shall remain in force until the termination of the present war between the Confederate States and the United States.

Approved December 16th, 1863.

CHAPTER LXIV.

An Act to amend the second, third and seventh sections of and supplemental to an "Act to perfect the organization of State Troops, and place the same on a war footing," approved December 25th, 1861, and to repeal "An Act to amend the 2d section of and supplemental to an Act to perfect the organization of the State Troops, and place the same on a war footing," approved December 25th, 1861," passed March 7th, 1863.

Section 1. Be it enacted by the Legislature of the State of Texas, That the second section of the act recited above, shall hereafter read as follows: All officers, State and County, of the State of Texas, except Justices of the Peace, County Commissioners, Coroners, County Surveyors, Constables and Notaries Public; and all officers of the Confederate States, except Postmasters, Deputy Marshals and Deputy Receivers; Officers' Clerks, Directory and Guards of the Penitentiary, Superintendents and Teachers in the Deaf and Dumb, Blind and Lunatic Asylums; in schools and academies, not more than one teacher for every twenty scholars actually attending school; one Captain, two Pilots, and two Engineers to each steamboat actually employed in the service of the State or the Confederate States; Telegraph operators actually engaged as such; Presidents' Secretaries and Superintendents, Engineers, Conductors and Rail Road Masters of Rail Roads; the Reporter of the Decisions of the Supreme Court; original Mail Contractors and one stage driver for every twenty miles on every regular mail stage route; Mechanics actually engaged in the manufacture of spinning jennies or cotton cards; such Millers to each steam or water mill that grinds for the public; and as many Engineers for each steam mill in actual operation, as may be adjudged necessary by the Enrolling officer; one Miller, engaged in person, for every ox or horse mill, grinding for the public, capable of grinding thirty-five bushels per day; one Carder for every one carding machine engaged in carding for the public; one machinist for each turning lathe used for boring or dressing iron; one tanner for each tannery turning off one thousand sides of leather per annum; such Machinists to keep up the mechanical department of all regular foundries working for the public, as may be deemed necessary by the Enrolling Officers; all regular Blacksmiths working in person for the public; all persons engaged in the manufacture of salt for sale to the public, not exceeding one person for every twenty bushels made per day; and such persons engaged in the manufacture of arms, powder, sulphur, and saltpetre as the Governor may deem necessary; and persons having substitutes in the army of the Confederate States, who were exempt from military service to the State, shall be exempt from military duty to the State of Texas: Provided, That no person liable to military service under the provisions of this act, shall hereafter be allowed to furnish a substitute and thereby be exempt from duty: and provided further, that the exemption of millers, blacksmiths and other mechanics working for the public, shall only extend so long as they work or sell the proceeds of their labor at a cost of not more than fifty per cent. over and above the original cost of the same: and it is hereby made the duty of all persons charged with the duty of enrolling the militia, to diligently inquire into the provisions of this proviso, and to see that all persons offending against the same are enrolled and placed in the service: and provided, that such respectable physicians, as the County Court may certify, are absolutely necessary for the wants of the county, such certificate of exemption to be approved by the Brigadier General of the District: and the Aid de Camp of the Governor, provided for by the act to which this is supplementary, are also to be exempt from military duty.

Sec 2. That the third section of the act to which this is supplementary shall hereafter read as follows: The whole of this State shall be divided by the Governor into six Military Brigades.

Sec. 3. That the seventh section of the act to which this is supplementary, shall hereafter read as follows: There shall be appointed, by the Governor, one Major General for this State: one Brigadier General for each Brigade District

herein provided for, and such general officers, to hold their respective offices for four years, unless sooner removed by the sentence of a Court Martial, as provided by the 25th section of this act, and shall be entitled to receive the same pay as officers of like grade in the Confederate States army, when on duty, acting under orders from the Governor. They shall also be entitled to the same staff officers, with the same pay as such staff officers, with officers of like grade in the Confederate army; but no pay to be allowed such staff officers, or any one of them, unless when on actual duty under orders approved by the Governor. Whenever the Governor deems it necessary, he shall order any one or more of said general officers to take command of the State Militia now in the field, or that may hereafter be called to the field, or to such other duty as he may think proper for the necessary military organization and defence of the State. The Governor shall also appoint surgeons and assistant surgeons to the militia now in the field, or that may at any time hereafter be called into service.

Sec. 4. That whenever, in the opinion of the Governor, the interest of the State demands that the militia of the State, or any portion thereof, should be called into service to repel invasion, suppress insurrection or rebellion, or whenever the militia of the State shall be called into active service by the President of the Confederate States in pursuance of law, to execute the laws of the Confederate States within this State, or to suppress insurrection or rebellion therein, or to repel an invasion thereof, the Governor shall, by proclamation, order into camps a sufficient number of troops to repel such invasion, rebellion, or insurrection, or to fill the requisition for State Militia made upon him by the President of the Confederate States, in pursuance of law, in the following manner, to-wit: He shall order the Brigadier General, of such Brigades, as to him may seem proper, to cause each Captain within his Brigade to muster his company on any designated day, and cause the name of each commissioned officer, non-commissioned officer and private to be placed in a hat or box, and the proportion of said company which may be ordered by the Brigadier General, under the authority of the Governor, shall be drawn by the Captain, or any person he may designate, from the hat or box; and such persons as are drawn shall immediately repair to the camp designated by the Governor or Brigadier General.

Sec. 5. That it shall be the duty of the Brigadier General to proceed immediately to cause the militia drawn into service within his Brigade, to be organized into companies of not less than sixty-four rank and file, and to be officered in accordance with the laws of the State; the militia called out by the Governor, and officered as aforesaid, to repel an invasion of the State, or to repress insurrection or rebellion therein, shall remain in the service of the State, until discharged by the Governor, or by his authority, or the militia so called out, may be placed under the orders of the commanding general of the Confederate forces in this State, for such length of time, not to exceed twelve months, as the Governor may deem proper; Provided, That before placing the militia under orders of the commanding general, as aforesaid, the Governor shall have the same organized into battalions and regiments; and, if the number is sufficient, into a brigade or brigades; and the Governor is hereby authorized to assign to the command of such brigade, or brigades, any one or more of the Brigadier Generals of the State; and provided further, That the State militia shall not, by any commander, be carried beyond the limits of this State, without their voluntary consent.

Sec. 6. That the Brigadier Generals provided for in this act, when commissioned by the Governor, shall supersede the Brigadier Generals appointed or elected under the provisions of the act to which this is supplementary; and all officers elected or appointed under said act of 25th of December, 1861, who are not exempt under the provisions of this act, and who are within militia age, shall be subject to militia duty.

Sec. 7. That it is hereby made the duty of the Brigadier General, so soon as he shall receive an order from the Governor, to call out any portion of the militia, under this act, to appoint three physicians, of good standing, in each

county in his brigade, whose duty it shall be, on a day to be named by them, of which notice shall be given, to attend at the Court-house of their respective counties for the purpose of examining all applicants for discharges on account of physical disability, which examinations shall take place at least five days before the day of draft. The said physicians, or a majority of them, shall, after a critical personal examination, determine whether the applicant be unable to perform the duties of a soldier in the field, and if so, they shall give the person so determined to be unable to perform military duty, a certificate setting forth the character of his disability in full, and upon the presentation of such certificate to the Enrolling Officer of said county, he shall erase the name of the party from his roll. The physicians, for said service, shall receive five dollars per days, each, for the time actually employed, to be paid out of the State Treasury, upon account approved by the Brigadier General commanding said brigade.

Sec. 8. That any person who shall fail or refuse to do and perform military service under this act, without sufficient excuse, shall be deemed guilty of the crime of desertion, and on conviction thereof, by a Court Martial, shall suffer such punishment to be determined by said Court Martial, not inconsistent with the rules and regulations governing the army of the Confederate States.

Sec. 9. That company, battalion and regimental drill is suspended during the continuance of the present war. Enrolling Officers, whilst engaged as such, shall be entitled to the pay as 2d Lieutenant of Cavalry, to be paid out of the Treasury of the State of Texas, the same to be approved by the Brigade commander.

Sec. 10. That it shall be the duty of the several Brigadier Generals herein provided for, under such directions as the Governor may cause to be devised, to encourage and form volunteer companies, and organizations of such persons as are not subject to militia or other duty, for local defense, and all necessary police regulations in the counties where such companies may be raised, and for service in the field in an emergency; but in no event shall such companies or organizations, when constituted of one or more companies, be marched beyond the limits of their Brigade District, without their consent; and when any such company or organization shall go beyond the limits of their district, they shall be allowed to return at their own option. It shall also be the duty of the Brigadier Generals of Districts, to appoint proper Enrolling Officers, and all such persons as have heretofore been exempt from duty on account of physical disability, and in such cases as the Enrolling Officer may think are able to perform military duty in the field, shall be required to present themselves before the board of physicians, as herein provided, for re-examination, and those found fit for duty in the field, shall be enrolled and subject for duty. That the physicians appointed by the Brigadier Generals, to examine applicants for discharge on account of disability, shall be required to discharge such duties, and in case of refusal, shall be enrolled in the militia, and subject to duty, unless otherwise exempt.

Sec. 11. That all laws and parts of laws conflicting with the provisions of this act be, and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved December 16th, 1863.

CHAPTER LXV.

An Act to regulate Distilleries and to repeal the law authorizing Licenses therefor.

Section 1. Be it enacted by the Legislature of the State of Texas, as follows: The County Court of any county, in the administration of its police, shall have authority at any time, under current circumstances, to determine and declare the distilling of spirits to be prejudicial to public subsistence. On such declaration being properly entered on the minutes of proceedings of the County Court, the District Court shall have jurisdiction of the subject; and the County Court,

or any person, may prosecute for any such offence; and, according to the law for other like offenses against public policy and economy and health, the offender under this act may be punished and the business restrained: Provided, That proceedings under this law shall not be conducted so as to deprive any person of his privilege from a legal license for distilling, without adequate compensation being made, unless by the consent of such person.

Sec. 2. The law which imposes an occupation tax of one thousand dollars on a distiller, for each still employed in distilling, is repealed.

Sec. 3. This act shall be in force from its passage, and shall be in force until the termination of the present war, at which time it shall cease to be the law.

Passed December 16th, 1863.

CHAPTER LXVI.

An Act to provide for the election of Senators and Representatives to the Eleventh Legislature, for the year 1865, in Counties occupied by a public enemy.

Section 1. Be it enacted by the Legislature of the State of Texas, That in all cases where Senatorial or Representative districts are, in whole or in part, occupied by a public enemy, so that elections cannot be held in such districts for members of the eleventh Legislature, as required by law, the legally qualified electors of such district, or districts, may cast their votes at any precinct, or precincts, in the State, for a citizen, or citizens, of their respective districts, for Senator, or Representatives, to represent them in the eleventh Legislature: Provided, That the Judges of any election precinct shall not permit any person to vote, under the provisions of this act, unless he shall first swear that he is a citizen and an elector of the representative or senatorial district for whose Representative or Senator he proposes to cast his vote; and the several Chief Justices of the counties where such votes shall be cast, are hereby required to certify such votes so cast, and return the same to the Secretary of State, specifically stating the district for which such votes were given, and whether for Senator or Representative, under the same regulations as are prescribed in other cases; and the person, or persons, having the highest number of votes for the respective offices, shall, on the production of a certificate of the fact from the Secretary of State, be entitled to represent the district for which they are elected, in the Senate or House of Representatives of the eleventh Legislature, as the case may be.

Passed December 16th, 1863.

CHAPTER LXVII.

An Act to amend Articles 412 and 418 of "An Act to adopt and establish a Penal Code for the State of Texas," approved August 28th, 1856.

Section 1. Be it enacted by the Legislature of the State of Texas, That article 412. of the above recited act, shall hereafter read as follows, to wit: "If any person shall keep or exhibit for the purpose of gaming, any gaming table or bank, of any name or description whatever, or any table or bank, used for gaming, which has no name, or shall be in any manner interested in keeping or exhibiting such table or bank at any place, he shall be fined not less than five hundred dollars, nor more than one thousand dollars."

Sec. 2. Be it further enacted, That for each game upon which any of the games enumerated in the first section of this act, or in the fourth chapter of the Penal Code, shall be played or exhibited, shall constitute a separate offence; and that, in all cases arising under the provisions of this act, where Justices of the Peace, Mayors, and Recorders, have not jurisdiction finally to try, it shall be their duty to bind, as in other cases, the person accused to answer such

charge at the next term of the District Court to be held in the county in which such offence shall have been committed.

Sec. 3. That article 418, of the above recited act, shall hereafter read as follows, to wit: "If any person shall bet at any gaming table or bank, such as are in the six preceding articles mentioned, he shall be fined not less than one hundred dollars, nor more than two hundred and fifty dollars."

Sec. 4. That this act take effect and be in force from and after its passage.

Approved December 16th, 1863.

JOINT RESOLUTIONS.

CHAPTER I.

JOINT RESOLUTION.

1. Resolved by the Legislature of the State of Texas, That in consideration of the patriotic service, personal sacrifice, and distinguished gallantry of all Texian Soldiers who have been, and who are now, in the Armies of the Confederate States and State of Texas, battling for Southern honor and independence, we, the Representatives of the State of Texas, for ourselves and in behalf of our constituents, tender to them, both officers and men, the sincere, heartfelt thanks of the people of the State of Texas; and that, recognizing them as the brave defenders of our common liberties, we hereby pledge ourselves, and the State, to the support and maintenance of their families during their absence from home.

2. Resolved by the Legislature, That the Governor is hereby requested to have the above resolution printed and forwarded to each regiment, battalion, and independent company, raised in the State of Texas, with a request of their respective commanders to have the same read on dress parade.

Approved November 24th, 1863.

CHAPTER II.

JOINT RESOLUTION.

1. Resolved by the Legislature of the State of Texas, That our Senators in Congress be and they are hereby instructed, and our Representatives in Congress be respectfully requested, to use their best efforts to repeal all laws exempting persons from conscription, on account of their being the owners of property of any description whatever.

2. Resolved, That the Governor be requested to transmit a copy of this resolution to each of our Senators and Representatives in Congress.

Passed December 3d, 1863.

CHAPTER III.

Joint Resolution requesting our Senators and Representatives in Congress to increase the wages of the non-commissioned officers and privates in the Army and Navy of the Confederate States of America.

Resolved by the Legislature of the State of Texas, That our Senators in Congress, and our Representatives, are requested to use their influence to increase the wages of the non-commissioned officers and privates in the Army and Navy of the Confederate States of America; and that Congress increase the tax, so as to meet the increase of pay.

Passed December 16th, 1863.

CHAPTER IV.

Joint Resolution to provide for the Payment of State Troops.

Whereas, the State troops were called out by the proclamation of His Excellency Governor Lubbock, in 1862, and these troops were transferred to the Confederate Commander of the State of Texas; and, whereas, supplies to meet the wants of these troops were furnished by individual advancement and credit, &c., which have not been reimbursed or met by either State or Confederacy:

Therefore, be it resolved by the Legislature of the State of Texas, That the Adjutant and Inspector General of the State be and is hereby instructed to inquire into the cause of the non-payment of any or all claims in the premises, and to take such steps as will properly adjust the rights of all concerned.

Approved December 16th, 1863.

CHAPTER V.

Joint Resolution in relation to Public Printing for the Tenth Legislature.

1. Be it enacted by the Legislature of the State of Texas, That the Secretary of State, Comptroller and Treasurer, or a majority of them, be required to proceed immediately after the adjournment of the Tenth Legislature, to contract for the Public Printing, as nearly as may be in accordance with existing laws; and that this resolution take effect from and after its passage.

Approved December 16th, 1863.

CHAPTER VI.

JOINT RESOLUTION.

Whereas, the present war, waged by the Government of the United States upon the Government, people and property of the Confederate States, is without precedent in its atrocious and unchristian character; and, whereas, the comparative exemption of our own dear State from many of the more dire concomitants of war, may have been construed as a cause for our unanimity in sustaining our Government:

1. Therefore, be it enacted by the Legislature of the State of Texas, That now that our presumptuous enemy treads our soil in heavy number and menacing attitude, we bid him a proud and scornful defiance.

2. That we pledge to our sister States, that in this struggle, our authorities and our people will evince a patriotism and endurance as great as the occasion and as prolonged as the conflict.

3. That although as a free people, we have exercised the right of criticism upon the acts of our President and his Cabinet, yet we here record our full confidence in the patriotism and ability of President Davis; and do furthermore declare, that if remitted now to our option, we would not exchange him for any citizen of the Confederacy, as the pilot to carry us through the present stormy struggle for liberty as a people, and for independence as a nation.

Approved December 16th, 1863.

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THE STATE OF TEXAS,
Department of State.

I, Robert J. Townes, Secretary of State of the State of Texas, do certify that I have compared the foregoing Laws and Joint Resolutions of the Tenth Legislature with the originals now on file in the Department of State, and that they are true copies of such originals.

I further certify, that the Tenth Legislature of the Texas of Texas assembled on Monday, the second day of November, A. D. 1863, and adjourned on the sixteenth day of December, at 11 o'clock, P. M., of the same year.

In testimony whereof, I have hereunto signed my name, and caused the Seal of the Department of State to be affixed, at Austin, this twelfth day of
[L. s.] February, A. D. 1864.

R. J. TOWNES,
Secretary of State.

SPECIAL LAWS

OF

THE TENTH LEGISLATURE

OF

THE STATE OF TEXAS

PUBLISHED BY AUTHORITY

HOUSTON
1864

SPECIAL LAWS.

CHAPTER I.

An Act to authorize the holding of an Election for Representative in Dallas county, to fill the vacancy created by the action of the Tenth Legislature declaring the seat of H. J. Moffat vacant.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Governor be and he is hereby authorized to issue a writ of election to fill the vacancy aforesaid, and that the Chief Justice of Dallas county be required to order said election, in five days after the usual notice in such cases, and the returns thereof be made within three days after the day of election, and the certificate of election be issued forthwith to the successful party.

Sec. 2. Be it further enacted, That this act take effect from and after its passage.
Approved November 20, 1863.

CHAPTER II.

An Act for the relief of A. J. Vaughan, of Lamar county.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Comptroller of the State of Texas be authorized and required to issue duplicate warrants to A. J. Vaughan, of Lamar county, in lieu of the following original warrants: No. 1195, for \$139 25, issued to J. W. Hicks; No. 1196, for \$101 22, issued to W. S. Kennedy, attorney for C. C. Miller; No. 1639, for \$85 34, issued to J. Jemison; Provided, the said A. J. Vaughan shall first file with the Comptroller his affidavit, stating that the original warrants are lost, and that they were his property at the time; and, further provided, that he shall file a bond, with good and sufficient securities in double the amount, payable to the State of Texas, and approved by the Chief Justice of the county that he resides in, that the original warrants shall not become a charge upon the State of Texas.

Sec. 2. That this act take effect from its passage.
Approved November 27th, 1863.

CHAPTER III.

An Act to relieve Carro M. Quarles of the disability of minority.

Section 1. Be it enacted by the Legislature of the State of Texas, That Carro M. Quarles, a minor, resident of the county of Anderson, State of Texas, be and he is hereby relieved of the disability of minority, and declared of full and lawful age for all purposes of managing and controlling his own property, and subject to all the legal liabilities appertaining to the same.

Sec. 2. That this act take effect and be in force from and after its passage.
Approved December 2d, 1863.

CHAPTER IV.

An Act for the relief of Robert Price.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office is hereby authorized to issue to Robert Price a patent for three hundred and twenty acres of land, upon the head-right of A. J. Viser, of Lamar county, upon the same terms that a patent could issue for land outside of the Memphis, El Paso and Pacific Railroad reserve; and that this act be in force from and after its passage.

Approved December 2d, 1863.

CHAPTER V.

An Act for the relief of Henry K. Harrison.

Sec. 1. Be it enacted by the Legislature of the State of Texas, That Henry K. Harrison, a minor in the service of his country, be and he is hereby authorized and empowered to dispose of his estate, both real, personal and mixed, by last will and testament; which said will shall be as effectual as if he were of age.

Approved December 4th, 1863.

CHAPTER VI.

An Act to incorporate the Sulphur Fork Iron Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That J. C. Moore, A. H. Chappell, G. H. Kelly, R. H. H. Moores, David Moores, J. M. Ball, Lewis Moody, and Warren Hooks, citizens of the State of Texas, their associates and successors, be and are hereby created a body corporate and politic, under the name and style of "The Sulphur Fork Iron Company," with capacity to own property, real and personal, in such quantities as may be necessary for the legitimate objects of this corporation, make contracts, have succession and a common seal, to make by-laws for its government, and in their corporate name to sue and be sued, to grant and receive, and generally to do and perform such things and acts as may be necessary and proper for, or incident to, the fulfillment of their objects, or maintenance of their rights under this act, not inconsistent with the Constitution of the State.

Sec. 2. That said company is hereby created with the right to erect, own, maintain, and operate, a manufactory of iron and steel of every description whatever, and all other article of which iron and steel may form a part, at such place, or places, as said company may select, within the county of Davis.

Sec. 3. The capital stock of said company shall be divided into shares of one thousand dollars each, and the holders of said shares shall constitute said company, and said capital stock shall not exceed eight hundred thousand dollars.

Sec. 4. The corporators, mentioned in section first of this act, shall, within ninety days from its passage, cause an election to be held for a board of directors, of not less than three nor more than seven in number, who shall be elected by the stockholders at such time and place as may be appointed, and annually thereafter: Provided, That in case of failure to elect, at the stated time, the board of directors incumbent shall continue in office until there be an election; the time for which shall be fixed by said board, whereof notice shall be given as required by law governing other corporations. The corporators under this act shall be considered a board of directors, until the first election of directors has taken place.

Sec. 5. No person shall be eligible as a director, unless he is the owner of at least two shares of stock of the company. The said board shall elect a president from their number, fill vacancies until the next succeeding stockholders' meeting, and appoint such officers as they may deem necessary, and require

security for the faithful performance of their respective duties; also, they shall have power to prescribe the time and place for the payment of instalments or assessment on stock, declare the forfeiture of stock for non-payment, and to do, or cause to be done, all other acts and things which they may deem necessary and proper in conducting the business of said company. A majority of the board of directors shall constitute a quorum for the transaction of business, but in no case shall a director vote by proxy.

Sec. 6. This act shall be in force and take effect from and after its passage, and continue in force for the term of twenty years.

Approved December 4th, 1863.

CHAPTER VII.

An Act defining the duties of the Agent for the Alabama, Coshatta and Muscoga tribes of Indians.

Section 1. Be it enacted by the Legislature of the State of Texas, That the agent appointed for the Alabama, Coshatta and Muscoga Indians, or that may be hereafter appointed for said Indians, shall make a quarterly return to the Governor of this State of the condition of his agency and the situation of said Indians, and what he has furnished them; on the failure of said agent to make his return as required by this act, within sixty days from the end of each quarter, he shall be removed from his office as such agent.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved December 4th, 1863.

CHAPTER VIII.

An Act to establish and define the boundaries of the Counties of Live Oak and McMullen, and to repeal certain Acts therein named.

Section 1. Be it enacted by the Legislature of the State of Texas, That the boundaries of the county of McMullen shall be and the same are hereby declared to be as follows, to wit: Beginning at the southeast corner of Frio county; thence run due south forty-two miles; thence due east twenty-eight miles; thence north forty-two miles; thence west twenty-eight miles to the beginning; and all the territory comprised within said boundaries shall be and constitute the county of McMullen.

Sec. 2. That the boundaries of Live Oak county shall be and the same are hereby declared to be as follows, to wit: Beginning at the west corner of San Patricio county, on the Nueces river; thence running east to, and northward with, the boundaries of San Patricio and Bee counties, to the north-west corner of a survey for B. I. Ijams; thence north, forty degrees west, with the county of Karnes, to the line of Attascosa county; thence with the lines of Attascosa, McMullen, Duval, and Nueces counties, to the place of beginning; and all the territory comprised within said boundaries shall be and constitute the county of Live Oak.

Sec. 3. That "An Act to define the boundaries of Live Oak county," approved January 3d, 1862, and "An Act to define the boundaries and provide for the organization of McMullen county," approved January 3d, 1862, be and the same are hereby repealed.

Sec. 4. That this act take effect and be in force from and after its passage.

Approved December 4th, 1863.

CHAPTER IX.

An Act to define the county line between the Counties of Harrison and Marion.

Section 1. Be it enacted by the Legislature of the State of Texas, That the

county line between the counties of Harrison and Marion shall be as follows: Commencing at a point in the centre, or channel, of Big Cypress Bayou, opposite the north-east corner of Upshur county; thence down said Cypress Bayou to a point opposite the north-east corner of a survey for 2214 acres, made by virtue of the head-right of Alexander Johnson; thence south-east to the centre of Little Cypress Bayou; thence down said stream to its junction with Ferrey Lake and Caddo Lake, to the south-east corner of Marion county; which said line shall hereafter be known and recognized as the boundary line between said counties.

Sec. 2. That the Surveyor of Upshur county be and he is hereby appointed a Commissioner to run said line, who shall proceed, within sixty days, to run said line, and report the same to the Chief Justice of each of the counties; and that the county of Marion shall pay all charges incurred in running said line; and that this act be in force from its passage.

Approved December 8th, 1863.

CHAPTER X.

An Act for the relief of Capt. Joseph M. Bound's company, of Colonel William C. Young's regiment of State troops.

Section 1. Be it enacted by the Legislature of the State of Texas, That whenever the Lieutenant-Colonel, or Major, of Colonel William C. Young's regiment of State troops, called out in the year 1861, shall approve the muster roll of Captain J. M. Bound's company of said regiment, and certify thereon the length of time said company were in the State service, the Comptroller shall audit the claims of said company, in the same manner and at the same rates of pay allowed the other companies of said regiment.

Sec. 2. That the sum of fifteen thousand dollars, or so much thereof as may be necessary, out of the appropriation heretofore made by an act of the Legislature, approved March 6th, 1863, be and the same is hereby re-appropriated to pay said company, and to pay the claims against the State for transportation and supplies furnished the same.

Sec. 3. This act take effect from its passage.

Approved December 8th, 1863.

CHAPTER XI.

An Act to incorporate the Waco Manufacturing Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That George E. Burney, H. M. Hood, J. Thomason and J. B. Earl and their associates and successors, are hereby created a body politic and corporate, under the name and style of "The Waco Manufacturing Company," and by that name may sue and be sued, plead and be impleaded in any of the courts of this State. They shall, by their corporate name, be capable of contracting and being contracted with, and of acquiring, by purchase, donation or otherwise, real and personal estate, and of selling and conveying the same, or any part thereof, as the said corporation may deem fit, provided, however, the said corporation shall not acquire, or hold, more real estate than is necessary for the purposes of said corporation in constructing and carrying on their corporate business.

Sec. 2. Said company may manufacture cotton and woollen fabrics, cotton yarns, wool rolls, flour and corn meal, and any other fabrics that may be useful to the country.

Sec. 3. The capital stock shall be five hundred thousand dollars, to be divided into shares of one thousand dollars each.

Sec. 4. When one hundred thousand dollars shall be subscribed, the stockholders may elect four directors, who shall hold their office for two years, said

directors may proceed to elect one of their number President, who shall hold his office for and during the term of two years.

Sec. 5. That when a suit shall be brought against the company, it shall be sufficient to execute process, on the President, either in person or by leaving a copy at the office of the company, with some white person attached to the company over the age of eighteen years.

Sec. 6. Be it further enacted, That this act shall continue in force for and during the term of twenty years from its passage.

Approved December 8th, 1863.

CHAPTER XII.

An Act to repeal an act entitled "An Act to consolidate in one act, and to amend the several Acts Incorporating the City of Galveston," approved August 27th, 1856, and to grant a new Charter of Incorporation to said City.

Section 1. Be it enacted by the Legislature of the State of Texas, That all the free white inhabitants of the City of Galveston, shall continue to be a body politic and corporate, with perpetual succession, by the name and style of "The City of Galveston," and as such, by that name, shall be capable of contracting and being contracted with, suing and being sued, impleading and being impleaded, answering and being answered unto, in all courts and places, and in all matters whatsoever; may purchase and hold real, personal and mixed property, and dispose of the same for the benefit of the said City; and may have and use a corporate seal, and change and renew the same at pleasure.

Sec. 2. That the limits of the said City shall continue to be all that section of territory lying between Seventh Street on the East, and Forty-first Street on the West, as defined on a certain Chart, or Town Plat, heretofore laid off by the Galveston City Company, and between the waters of the Gulf of Mexico, on the South, and Galveston Bay on the North: Provided, nevertheless, That the Municipal Regulations of the said City shall extend over the harbor and anchorage immediately North of the same; and provided further, That the said limits may be hereafter extended by adding additional territory to the same, whensoever the majority of the inhabitants of said territory shall indicate a desire to be included within the limits of said City.

Sec. 3. That the municipal affairs of the said City shall be administered by a Mayor, a Recorder, twelve Aldermen, a Treasurer, an Assessor and Collector, a Clerk, a Marshal, a Superintendent of Streets, and such other subordinate officers as the Board of Aldermen may, in their sound discretion, deem necessary to the due regulation thereof.

Sec. 4. That every free white male person, not disqualified by law, who shall have attained the age of twenty-one years, and become a citizen of this State, and shall have resided within the limits of the said City for twelve months next preceding the election, and who shall be possessed of real estate in the same, to the value of three hundred dollars or upwards, or who shall have served in the army or navy of the Confederate States, or in the State Troops, and have been honorably discharged, and none other, shall be entitled to vote for Mayor and Aldermen of the said City, Provided, nevertheless, That no person belonging to the regular army or navy of the Confederate States, shall be so entitled.

Sec. 5. That, as it is eminently just and proper that those who levy the taxes and expend the money of the people, should be themselves of those who pay the taxes: therefore, to encourage economy in the administration of the affairs of said City, no person shall be eligible to the office of Mayor, Recorder, or Aldermen of said City, unless, in addition to his being qualified to be a voter therein, he be possessed, in his own right, of real estate within the limits of said City, to the value of three thousand dollars (including the improvements) free from incumbrance.

Sec. 6. That for the purpose of holding elections for city officers, the said City shall be divided, as now, into four Wards, to contain, as nearly as may be

practicable and convenient, an equal number of voters, and it shall be the duty of the Board of Aldermen to alter said Wards from time to time, in such a manner as to preserve, as nearly as may be, an approximate equality of voters. The Mayor shall be elected by the qualified voters of the City, voting by ballot, in their respective wards, and shall hold his office for one year from the date of his election, and until his successor shall be elected and qualified. At the first election held under this Charter, there shall be elected by the same voters, voting in their respective wards, three Aldermen from the First Ward, three Aldermen from the Second Ward, three Aldermen from the Third Ward, and three Aldermen from the Fourth Ward, according to the provisions of the next succeeding section of this act. At the first meeting of the said Board of Aldermen so elected, it shall proceed to divide, by lot, the three members from each ward, into three classes; and those of the first class, shall hold their offices for one year, those of the second class for two years, and those of the third class for three years, and until their respective successors are duly elected and qualified; so that thereafter there shall be elected at each annual election of Mayor, one Alderman from each ward, who shall hold their offices for three years, and until their successors are elected and qualified. The said Mayor and Aldermen, before entering upon the duties of their offices, shall take and subscribe the following oath, to be administered by the Chief Justice or any Justice of the Peace of the county: "You do solemnly swear, (or affirm) that you are duly qualified by law for the office to which you have been elected, and that you will faithfully perform the duties thereof to the best of your ability, so help you God!"

Sec. 7. That the said city election shall be held on the first Monday of March in each and every year, and shall be conducted as follows: There shall be chosen by the Board of Aldermen, at least fifteen days previously thereto, for each and every ward, three good and discreet men as managers of the election, of which appointment, and of the time and places of election, the Mayor shall give at least ten days public notice. On the day of election the said managers shall meet at the places designated, and having appointed two Clerks, and being, themselves and their clerks, first duly sworn by any Justice of the Peace, to the faithful performance of their duties without fear or favor, shall proceed to receive the votes of their ward for one Mayor and such Aldermen as are to be elected, administering to each voter of whose qualification there may be doubt, previously to his voting, the following oath: "You do solemnly swear, (or affirm) that you are qualified, by law, to vote for officers of this City, so help you God!" The managers shall hold the polls open from 10 o'clock a. m., until 4 o'clock p. m., and shall keep a correct list of all persons admitted by them to vote, numbering each voter and marking his ticket with a corresponding number, as in the case of State elections. As soon after the closing of the polls as practicable, they shall proceed to count the votes, and shall make due return thereof, certified under their hands and seals, which said return, together with a certified list of the persons voting, they shall envelope, under seal, and transmit by one of themselves to the Mayor incumbent. The said Mayor incumbent, shall, within twenty-four hours after receiving the said returns, call together the Board of Aldermen, who shall, in public meeting, proceed to open the returns and decide upon the election. The person having received the greatest number of votes for Mayor, being declared elected Mayor, and the persons having received the highest number of votes in each ward for Aldermen, being declared elected Aldermen of their ward. In accordance wherewith the Mayor incumbent shall deliver to the Mayor and Aldermen elect, the certificates of their election under his hand and seal of the City: and in case the Mayor incumbent be absent, indisposed or for any other reason, unable, or refuse to receive said returns, or having received the same neglect to call a meeting of the Board of Aldermen, or having called a meeting thereof, the said Board shall not meet, or having met within the time prescribed, shall not open the returns and declare the election, then, and in either case, the election shall not be void, but the managers shall make out duplicate returns of the said election, and having certified, sealed

and enveloped the same as before, shall transmit them to the Chief Justice of the county, who shall forthwith proceed to determine the election and deliver certificates of the same, under his hand and official seal, to the persons elected, in the same manner as the Board of Aldermen and the Mayor should have done. The Mayor and Aldermen elect, shall, on the first Monday after their election, or as soon thereafter as practicable, be regularly installed into their offices, in conformity with the last clause of the sixth section of this act. Should any of the managers of the election fail to attend at the proper time and place, the one or two who may be present, shall select, from among the bystanders, a suitable person, or persons, to fill the vacancy so occasioned; and should none of said managers be present, then the bystanders, being voters, shall themselves select three suitable persons to conduct said election, who shall proceed to hold the election, and make returns thereof, in the same manner as the regular managers should have done, had they been present.

Sec. 8. That the Board of Aldermen, at its first meeting after that in which the members were installed into office, shall proceed to elect, from without their own body, a Recorder, a Treasurer, an Assessor and Collector, a Clerk, a Marshal, and a Superintendent of Streets, and such other subordinate officers as may have been created under the third section of this act. The candidates receiving a majority of the whole number of votes, being declared elected. The Treasurer, Assessor and Collector, Clerk and Marshal, shall each enter into bond, payable to the Mayor of the city, and his successors in office, with two good and sufficient sureties, in such sum as the Board of Aldermen shall direct, conditioned for the faithful performance of the duties of their several offices; whereupon the Board of Aldermen shall, by motion, order the Treasurer, Assessor and Collector, Clerk and Marshal lately incumbent, to deliver over to those several officers elect, all moneys, books, papers, records, and all matters and things whatsoever which they, or either of them, may have in his or their possession, belonging to their said several offices, without which order, under the hand and seal of the Mayor, the said several officers shall not permit any moneys, books, papers, records and other things, to be taken from the possession of them, or either of them; and if the said several officers, or either of them, shall, upon the receipt of such order so certified, refuse or neglect to deliver over to their several successors, the said moneys, books, papers, records and other things, or any of them, they, or either of them so offending, shall be deemed guilty of contempt, and upon conviction thereof in the city court, shall be adjudged to pay a fine not exceeding one hundred dollars, and to be imprisoned not exceeding seven days for every week that he, or they, shall so retain the same, said fine to be collected by execution, issued from the said court, against the estate of them and their securities.

Sec. 9. That the Mayor of the said city shall be the Chief Executive Magistrate thereof, and as such shall be vigilant and active in causing the laws, ordinances and regulations of the city to be executed and enforced. He shall take instant measures for the quelling of all riots, and disorders, and the dispersion of all unlawful assemblages of persons in said city. He shall exercise a general supervision over the conduct of all subordinate officers, and cause their violations of law, or neglect of duty to be reported to the Board of Aldermen, to be punished by fine, not to exceed one hundred dollars, or by dismissal from office, as they shall see fit. He shall, at the request of three Aldermen, or whensoever he may deem it advisable, call special meetings of the Board of Aldermen, causing due notice to be given to each member thereof, and shall preside at all meetings of the said Board, but shall have no vote, unless there be a tie, in which case he shall give the casting vote. He shall from time to time communicate to the Board of Aldermen, such information, and recommend such measures as the welfare of the city may, in his opinion, render necessary, and generally shall do and perform all such acts and duties which the said Board of Aldermen may lawfully require of him as the Chief Magistrate of the city; and for his services as Mayor, he shall receive a salary to be determined by the Board of Aldermen, payable at stated periods, which salary shall be

neither increased nor diminished during the term of service of any incumbent, for or under any pretext whatever.

Sec. 10. That the Recorder of the said City shall be the Chief Judicial Magistrate thereof, and as such shall hold a City Court, within said City, which said court shall have cognizance of all misdemeanors, breaches of the peace, infractions of the ordinances, and all other cases arising under the laws of said city, and shall be deemed always open for the trial of said cases. The said Recorder, as Judge thereof, shall have power to issue subpoenas, writs, executions, and all other process known to the law, which a Justice of the Peace of this State may lawfully issue, and the said subpoenas, writs, executions and other process, shall be issued, served and executed under the same forms, and in the same manner, as the like process should be, when issued by a Justice of the Peace. He shall have power to punish all contempts, and generally shall do and perform all other acts which the Board of Aldermen may lawfully require of him as the Judge of the City Court. And for his services, the said Recorder shall receive such stated salary as the Board of Aldermen may deem sufficient, the said salary to be neither increased nor diminished during the term of service of any incumbent. The said Recorder shall hold his office for two years, and until his successor is elected and qualified, and before entering upon the duties of his office, shall take the like oath of office as is required by law of the Chief Justice of the county.

Sec. 11. That the Board of Aldermen shall be composed of three Aldermen from each of the four Wards of said City, and shall have full power and authority to make and establish such ordinances, regulations, laws, and by-laws as they shall deem necessary for their own government, and to preserve the peace, cleanliness, comfort and salubrity of said City; to secure the safety and convenience of passing in the streets, alleys, squares, levees, and other public ways; to direct the construction, maintenance and repairs of side-walks in the said streets, at the cost of the proprietors of neighboring houses and lots, and to determine the dimensions thereof; to establish rules and regulations in relation to partition walls and fences; to require all low grounds and lots in said city to be drained and filled up by the proprietors thereof, and in case of their refusing, or neglecting so to do when ordered, to cause the same to be drained and filled up, and the premises to be sold to defray the expenses thereof, provided, nevertheless, That the proprietor of the lots, or lands, so sold, shall be entitled to receive that part of the purchase money which may remain after defraying the expenses of draining, filling and selling the same. The said Board shall have power to fix the place, and anchorage of all vessels and water craft in the port of Galveston, and to establish quarantine, and all other regulations which may be necessary to prevent the introduction or spread of contagious, epidemic or infectious diseases; to organize a fire department, and to regulate the same, and to pass such other laws as may be deemed necessary for the prevention and extinguishment of fires; to establish a city guard or patrol, and to regulate the same; to establish an active system of inspection over the conduct and habits of slaves; to provide for the lighting the streets; to establish one or more market places, and to provide for the inspection of all comestibles offered for sale therein, or elsewhere, and otherwise to regulate the same; to prevent forestalling and regrating, and to punish the same; to establish and enforce, by suitable penalties, the proper weights and measures; to regulate the assize and quality of bread, and every thing that relates to butchers, bakers, tavern-keepers, and other persons keeping public houses, beer saloons or grog shops, draymen, hack drivers, horse drivers, water carriers, and slaves employed as day laborers; to prevent the establishment, within the said city, of houses ill-fame, or any other place of resort for gambling, or other vicious purposes; to establish hospitals for the accommodation of destitute sick persons, poor-houses for the infirm and indigent, and work-houses for the confinement of common beggars, vagrants, and other idle and vicious persons; and to pass such laws, and appoint such officers as they may deem necessary for the due management thereof; to provide places for the storing of powder, the burying

of the dead, and the reception of all carrion, offals, tainted provisions, and other filth from within the said city, and to prevent the use of any other place within the said limits, for the same purposes; to prohibit the establishment of slaughter houses, or any other nuisance within said city; and generally to do all such other acts, and to pass such ordinances, not inconsistent with the Constitution and laws of this State, or of the Confederate States, as may conduce to the interest and welfare of said City, Provided, That no ordinance, law, or by-law, passed in pursuance of this act, shall go into effect unless the same be approved by the Mayor, or being disapproved by him, it shall be passed by a vote of two-thirds of the whole Board, nor until ten days after the same shall have been published in one of the newspapers of the city, unless in the opinion of two-thirds of said Board, the emergency may be such as to require a departure from this rule. An attendance of two-thirds of the members of the Board shall be necessary to form a quorum, and the said Board, by a vote of three-fourths of the whole Board, may, at any time, for cause assigned, dismiss any officer elected by the Board, except the Recorder, and elect a new incumbent. And to defray the expenses of said City, the said Board are hereby fully authorized and empowered to impose a direct property and license tax upon all such persons, property and employments as are liable to taxation under the Constitution and laws of this State, and to make and execute all laws necessary to enforce the collection of the same, Provided, nevertheless, That no property tax (unless for special purposes, and specially provided for by act of this Legislature,) shall for any one year exceed the one-half of one per cent. of the value of the property, nor any license tax, the sum of fifty dollars; nor shall any tax be levied without the concurrence of two thirds of the whole Board in its favor. And in order the more effectually to enforce the ordinances of the said city, the said Board of Aldermen shall impose, upon the violation thereof, such fines and penalties, not exceeding one hundred dollars, and such imprisonment, not exceeding fifteen days, to be collected and inflicted through the City Court, hereinbefore provided, as they may deem necessary and proper.

Sec. 12. That the Treasurer of said City, shall receive, and securely keep, all moneys belonging to the said City, and make all payments for the same, upon the order of the Mayor, attested by the Clerk, and the seal of the City. He shall keep regular and correct accounts of their real, personal and mixed property, and shall render a correct statement of his receipts and payments to the Board of Aldermen at their first regular meeting in every quarter, and whensoever, at other times, he may be required by them to do so, and at the end of every half year, shall cause to be published, at the expense of the city, a statement showing the amount of receipts and expenditures for the six months next preceding, and the general condition of the treasury, and shall do and perform such other acts and duties as the Board of Aldermen may lawfully require of him as the Treasurer of the city. And for his services, the said Treasurer shall receive such compensation as the Board of Aldermen may deem sufficient, the said compensation not to be changed during the term of service of any incumbent.

Sec. 13. That the Assessor and Collector of the city shall make up the assessments of all property taxed by the city, and collect the taxes of every kind as they shall become due and owing, and generally perform all the duties in relation to city taxes, as are required of the State Assessors and Collectors in regard to the State and County taxes, under such forms and regulations as the Board of Aldermen may prescribe; and shall pay over to the Treasurer, every month, the moneys which he shall have received, and make a report thereof to the Board of Aldermen at their first regular meeting in every quarter. All assessments of property shall be made under oath by the party returning the same; if the appraisement be unsatisfactory to the Assessor, it shall be referred to a board of three commissioners, being owners of real estate in the city to the value of three thousand dollars, and entirely disconnected with the administration of the city, who shall be appointed by the Board of Aldermen, and whose decision shall be final. The same commissioners shall assess the value

of all property whose owners are unknown, or which may not have been returned, and shall receive for their services such remuneration not being a per centage, as the Board of Aldermen shall think proper.

Sec. 14. That the Clerk of the said city shall be Secretary of the Board of Aldermen, and as such shall, in person, or by his deputy, attend at their meetings, keep a correct minute of all their proceedings, and take charge of all books, records and papers which the said Board shall have for the recording of their ordinances, and the preservation of all other matters and things pertaining to their official acts. He shall be Clerk of the City Court, and as such shall have charge of, and faithfully keep, all books, records and papers whatsoever belonging to the said Court, and do all other acts and duties which he may lawfully be required to do and perform as Secretary of said Board or Clerk of said Court, and for his services he shall receive such fees as the District Clerk receives for similar services, and such other compensation as the Board of Aldermen shall deem sufficient.

Sec. 15. That the Marshal shall be the Chief Constable of the said city, and shall, either in person or by one of his deputies, attend upon the City Court while the said Court may be in session, and shall faithfully execute all process issued from the said court. He shall be active in quelling riots, disorders and disturbances of the peace within the limits of said city, and shall take into custody all persons so offending against the peace of the community, and him, her or them, have before the City Court, if in session; if the said court be not then in session, the said Marshal shall commit the person, or persons so offending to the city jail, there to be securely kept in custody until the City Court shall be in session, when he, she or they, shall forthwith be taken before the said court, there to be fined and punished according to the laws of the city and the sound discretion of the court, Provided. That said Marshal may, at his discretion, take suitable and sufficient bail, for the appearance before the City Court, of any person charged with an offence against the ordinances or laws of the city, being himself responsible for the appearance of said accused. The said Marshal, for the more efficient discharge of his duties, may appoint one or more deputies, who shall have the same powers and perform the same duties as the Marshal has or should perform, the said Marshal being responsible for the faithful performance of their duties by his said deputies; and for his services the Marshal shall receive the same fees as the Sheriff of the county does by law receive for like services, and such other compensation, if necessary, as the Board of Aldermen may deem sufficient.

Sec. 16. That the Superintendent of Streets shall supervise all work undertaken by the Board of Aldermen upon the streets, alleys and public squares of the city: direct the grading of the same and the construction of sidewalks, so as to preserve a due uniformity in their height and width; inspect the draining and filling up of all such lots and low grounds as may be ordered by the City; superintend the building of all culverts and bridges; control all gangs of workmen employed by the City upon the streets; and remove all obstructions that may be unlawfully put in any of said streets, alleys, squares or other public thoroughfares, and generally do all other acts and things which the the Board of Aldermen may lawfully require of him, and for his services shall receive such stated salary as the said Board may determine.

Sec. 17. That such other officers, as may be created by the Board of Aldermen, under the third section of this act, shall have such powers, perform such duties, be subject to such penalties and receive such compensation as the Board may direct, and the said "City of Galveston" shall always be responsible to any person, or persons, for any trespass, wrong, injury or damage done to such person, or persons, contrary to law, by any of the officers of said City under color or pretence of his office, and the said City of Galveston may be amerced in damages for the same in any suit, or suits, brought against the said City, in the courts of this State.

Sec. 18. That for the more efficient discharge of their several duties, the Mayor, and the Recorder of said City, shall be ex officio Justices of the Peace

and as such, they, and each of them, shall take cognizance of all crimes and misdemeanors under the laws of this State, committed within the limits of said City, and do and perform all other acts and duties which a Justice of the Peace may lawfully do, except that they shall, in no case, entertain jurisdiction over civil suits. And the said Mayor, the Recorder and the Marshal and his deputies, are hereby fully authorized and empowered to call to their aid, the assistance of any person resident in the said city, whenever, in the discharge of their several duties, in cases of riot, disorder, breach of the peace, or resistance to their lawful authority, they may need the same; and any person, or persons, who shall, when so called upon, neglect or refuse his assistance, shall, on conviction thereof in the City Court, be liable to such fine, not exceeding one hundred dollars, and such imprisonment, not exceeding ten days, as the said court shall, in its sound discretion, impose.

Sec. 19. That whensoever a vacancy shall occur in the Board of Aldermen, or any other office in said city, by death, resignation, removal, or otherwise, or whensoever, from any cause, the regular elections shall not be held at the proper time, the Board of Aldermen may, and shall, as soon as practicable thereafter, order an election to fill such vacancy, or to supply the place of such omitted election, and the said election, so ordered, shall be conducted, in all things, in the same manner as hereinbefore prescribed for the regular elections. And in case of the sickness of any officer, and until the vacancy shall be filled by such election, the Board of Aldermen are hereby fully authorized and empowered to appoint other persons (if it be the office of Mayor, from their own body, and if any other office, from without their body), to fill such office until such sick person shall recover, or such vacancy be filled by election by the people, or by the Board of Aldermen; and the person so appointed shall have the same powers, perform the same duties, be subject to the same penalties, and receive the same compensation for the time being, as if he had been duly elected to said office.

Sec. 20. The Board of Aldermen shall hold their regular meetings on the first and third Mondays of each and every month, and may meet at any other time that the Mayor shall, in his discretion, call them together, or any three of themselves shall deem necessary. Each member of said Board shall receive, for every regular meeting which he shall attend, the sum of three dollars, any member who shall fail to attend a regular meeting, shall, for each and every such failure, be fined three dollars, unless prevented from attending by sickness of himself, or in his family; and no member of said Board shall be appointed to any employment, contract or office under the said corporation, except to the office of Mayor pro tempore, as provided in the next preceding section.

Sec. 21. That all real estate, which may be sold by, or under the direction of the corporate authorities of said city, for taxes, or to pay the expenses of draining, and filling up the same, as provided in the eleventh section of this act, may be redeemed at any time within two years from the date of sale, by the proprietor, his heirs, executors or administrators, paying to the purchaser thereof, his representatives or assigns, or depositing with the Assessor and Collector, for his or their benefit, double the amount of the purchase money and of the taxes which he, or they, may have subsequently paid thereon; nor shall any title issue to said purchaser before the expiration of said two years, but only a certificate of purchase, saving, nevertheless, to infants *femes covert* and persons *non compos mentis*, in addition to the two years, the period of infancy, coverture, or mental disability.

Sec. 22. That in any suit or action, in any court in this State, in which the said City of Galveston shall be a party, it shall be no exception to the competency of a witness, that he is an inhabitant of, or the owner of taxable property in the said City; and all writs, notices, and other process served upon the Mayor, or the person acting in his stead for the time being, shall be deemed to be served upon the City of Galveston.

Sec. 23. That all laws, and parts of laws, heretofore passed in relation to the incorporation of the City of Galveston be, and the same are hereby repealed, Provided, nevertheless, That all ordinances, laws and by-laws, passed by the

corporate authorities of said City under said acts, and which are now in force, shall remain in force until the same are altered, amended or repealed by the said authorities under the present act; nor shall any thing in this act contained, be so construed as to alter or impair any contract or obligation which may heretofore have been entered into by and duly constituted authorities of said City, but all such obligations and contracts, and all debts and liabilities due and owing to and from the said City, shall be and remain to all intents and purposes as binding upon the parties as if this act had not been passed.

Sec. 24. That so much of this act, as relates to the City elections shall go into effect from and after its passage, and the next annual election shall be held under the provisions of the same; and that this act go into operation, in all its parts, from and after the day of said election.

Approved December 9th, 1863.

CHAPTER XIII.

An Act for the relief of the heirs of Francis L. Toncary.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be and he is hereby authorized and required to issue to the heirs of Francis L. Toncary, a bounty certificate for six hundred and forty acres of land; said certificate, when issued, shall be located, surveyed, and patented, as other certificates of like character.

Sec. 5. That this act take effect from and after its passage.

Approved December 8th, 1863.

CHAPTER XIV.

An Act for the relief of George E. Burney.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of six hundred dollars, in Confederate money, be and the same is hereby appropriated to reimburse George E. Burney, for actual expenses incurred by him in going to the State of Mississippi, by order of the Governor, to demand the delivery of George B. Payne, William Payne, Hezekiah Payne, and John T. Berry, fugitives from justice, charged with forging and uttering counterfeit Confederate Treasury notes.

Sec. 2. That this act take effect from its passage.

Approved December 11th, 1863.

CHAPTER XV.

An Act to incorporate San Saba Masonic College.

Section 1. Be it enacted by the Legislature of the State of Texas, That "San Saba Masonic College," in San Saba county, be incorporated, and that John W. Hudson, J. B. Harrell, John H. Brown, J. S. Williams, and William Thaxton, and their successors, be and they are hereby constituted a board of trustees for said College, and they and their successors made a body corporate, capable in law of suing and being sued; they shall have succession and hold property to the value of twenty thousand dollars, and shall have a common seal, and do all things necessary to carry out the designs of said incorporation in the maintenance of a good Collegiate School in San Saba county: Provided, the privileges granted in this act shall continue in force for twenty-five years, and no longer.

Sec. 2. That said College shall be under the general direction, supervision, and patronage of the Masonic Lodge, No. 225, at San Saba: but no religious test or qualification of any kind whatever shall be a requisite, in order to become a trustee, president, professor, or student, in said College.

Sec. 3. That whenever a vacancy shall occur, from any cause, in the board of trustees, the board shall have power to fill it; and, at any time hereafter, the board may increase their number, not to exceed nine, subject, however, to the ratification of the Masonic Lodge, No. 225, at San Saba.

Sec. 4. That the trustees shall have power, by the president and faculty of said College, to grant and confer such degree or degrees, in arts and sciences and learned professions, to the students of said College, and to other persons worthy thereof, as are usually granted and conferred in other Colleges in the Confederate States, and to give certificates thereof, or diplomas, signed by them and sealed with the common seal of the trustees of the College, to authenticate and perpetuate the memory of such graduation.

Sec. 5. That no misnomer of said College shall defeat or annul any gift, grant, devise, or bequest, to the same.

Sec. 6. That this act take effect and be in force from and after its passage.

Approved December 11th, 1863.

CHAPTER XVI.

An Act amendatory of "An Act to amend a Joint Resolution, entitled 'Joint Resolution for the relief of the heirs and assignees of Benjamin D. Nobles, deceased,' " approved December 31st, 1849.

Section 1. Be it enacted by the Legislature of the State of Texas, That the first section of the above recited act shall hereafter read as follows: That the first section of the above recited Joint Resolution be and the same is hereby amended so as to read as follows: That the Comptroller be and he is hereby authorized to receive the amount due on lots number one and three, in block number sixty-seven, and lot number twelve, in block number fifty-five, in the city of Austin, from the legal representatives of Benjamin D. Nobles, deceased; and, upon the receipt thereof, that he issue the usual certificate for patent.

Sec. 2. That this act take effect from and after its passage.

Approved December 11th, 1863.

CHAPTER XVII.

An Act to incorporate the Parsons Female Seminary.

Section 1. Be it enacted by the Legislature of the State of Texas, That E. D. Towns, T. M. Rector, N. S. Rector, Isaac Wildbahn, Edward Harrington, James Manor, Joseph Barnhart, trustees of the Parsons Female Seminary, situated in the county of Travis, be and are hereby created a body corporate, under the name and style of "The Board of Trustees of the Parsons Female Seminary," and by that name sue and be sued, plead and be impleaded, enact by-laws, rules and regulations, purchase, take, hold, and enjoy, all property of every and all kinds, for the benefit of the said institution: to convert said property into money, and dispose of the same; and shall have a common seal for the transaction of its business.

Sec. 2. That the rights and privileges herein granted shall extend to the trustees named in the preceding section and their survivors, and to no other person. In the event of the death of one or more of said trustees, all the rights and privileges, granted by the provisions of this act, shall be taken, exercised, and enjoyed, by their survivors; and, on the death of all the said trustees, then the corporation herein created shall become extinct.

Sec. 3. That the board of trustees shall have power, upon the recommendation of the faculty, to confer degrees in the arts and sciences upon the graduates of said Seminary, and upon such other persons as they may deem worthy, and give diplomas of the same, by the president and faculty of the Seminary and by the president of the board of trustees.

Sec. 4. That all donations or bequests of said Seminary shall be good and

binding, although the corporate name may have not been properly stated by the person making such bequest or donation.

Sec. 5. The board of trustees may elect from their own number, under such rules and regulations as they may adopt, and for such terms and times as they may see proper, a president, secretary, and treasurer, or any other officer or agent, necessary in the board; they shall also have the power to construct, enlarge, or alter, or remove, all necessary buildings for the purpose of said Seminary, and to do all things necessary to the proper conduct and management of said Seminary, not contrary to law or inconsistent with this charter.

Sec. 6. That this act take effect and be in force from and after its passage.

Approved December 14th, 1863.

CHAPTER XVIII.

An Act to validate the official acts of Joseph Wallis, as Notary Public of Washington county.

Section 1. Be it enacted by the Legislature of the State of Texas, That the official acts and deeds of Joseph Wallis, acting as Notary Public within and for Washington county, from and after the 9th day of March, A. D. 1861, and before the 21st day of November, A. D., 1863, be and the same are hereby declared to be as legal and valid, to all intents and purposes, as though he had been duly nominated and confirmed, as the law requires.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved December 14th, 1863.

CHAPTER XIX.

An Act to incorporate the Rusk County Iron Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That William Davenport, W. W. Morris, Taylor Brown, William L. McMurray, R. W. McClane, A. S. Hayter, John Borham, John Buckner, and W. W. Bell, citizens of the State of Texas, their associates and successors, be and they are hereby created a body corporate and politic, under the name and style of "The Rusk County Iron Company," with capacity to own property, real, personal and mixed, in such quantities as may be necessary for the legitimate purposes of this corporation, to make contracts, have a common seal, establish by-laws for its government, and, in their corporate name, to sue and be sued, to grant and receive, and generally to do and perform such things and acts as may be essential and incident to the fulfilment of their objects, or the maintenance of their rights under this act, and not inconsistent with the constitution of this State.

Sec. 2. That said company is hereby created with the right to erect, own, maintain, and carry on, a manufactory of iron and steel of every description whatever, and all other articles of which iron or steel forms a part, at such place or places as said company may select, in the county of Rusk.

Sec. 3. The capital stock of said company shall be divided into shares of one hundred dollars each, and the holders of said shares shall constitute said company, and the capital stock of the company shall not exceed five millions of dollars.

Sec. 4. The business of said company shall be conducted by a board of directors of not less than three nor more than five, chosen by the stockholders out of their number, at such time and place as the corporators herein mentioned, or a majority of them, may prescribe, and annually thereafter: Provided, That in case of failure to elect at the stated time, the board of directors incumbent shall hold their office until there be an election, the time and place for which may be fixed by said board, of which there shall be reasonable notice, of not less than twenty days.

Sec. 5. That no person shall be eligible as director, unless he be a member of said company. The board shall elect from their number a president, fill vacancies, and appoint such officers as they may deem necessary, and exact security for the faithful performance of their duties, and fix the time for the payment of all instalments, to declare forfeitures of stock for non-payment, and to do and perform all things which they may deem necessary to a successful prosecution of the business of the company. A majority of said board of directors shall constitute a quorum for business.

Sec. 6. The members of said company shall be entitled to the benefits of any bonus, loan, or other benefits, that may be granted to companies, or to individuals who engage in the manufacture of iron, by any law passed by the Legislature.

Sec. 7. That the parties named in the first section of this act, are hereby invested with the right to organize said company, and that this charter shall expire at the expiration of ninety years from the passage of this act.

Sec. 8. This act shall take effect from its passage.

Approved December 15th, 1863.

CHAPTER XX.

An Act to incorporate the Seguin Mutual Aid Association.

Section 1. Be it enacted by the Legislature of the State of Texas, That the officers and members of the Seguin Mutual Aid Association, as now organized, be and they are hereby constituted a body corporate and politic, under the name and style of "The Seguin Mutual Aid Association," and by that name they and their successors are declared capable in law of suing and being sued, in any of the Courts in this State, of holding property, real, personal and mixed, of selling and conveying the same at pleasure, of having a common seal, and of doing and performing whatever may be proper and necessary to be done for the conducting of a general mercantile establishment, not contrary to the constitution and laws of this State.

Sec. 2. That the officers and members of said association may enact such by-laws for their government as they may, from time to time, deem necessary and proper, and shall have all such rights and privileges as are by law incident to, or necessary for, corporations of a similar character; and that this act take effect from and after its passage, and shall continue in force until one year after the close of the war between the Confederate States and the United States.

Approved December 15th, 1863.

CHAPTER XXI.

An Act to incorporate the Gonzales Mutual Aid Association.

Section 1. Be it enacted by the Legislature of the State of Texas, That the officers and members of the Gonzales Mutual Aid Association, as now organized, be and they are hereby constituted a body corporate and politic, under the name and style of "The Gonzales Mutual Aid Association," and by that name they and their associates and successors, on such legal terms as they may adopt for the purposes herein stated, shall be a corporate body, by the name of "The Gonzales Mutual Aid Association," and in that name shall have all the ordinary privileges of a corporation.

Sec. 2. The business of the Association shall be to furnish necessities for its members, for families and other dependents of officers and soldiers who have been, or may be, in the service of either the Confederate or State Government, and for general market, at prices which shall not exceed the aggregate cost and twenty-five per centum thereon, allowing for current rates of exchange.

Sec. 3. For accomplishing said objects, the association may trade in any suitable manner.

Sec. 4. The capital stock may be one hundred and twenty thousand dollars or any less amount, in shares of one hundred dollars, or any less amount, as the association may determine.

Sec. 5. This act shall be in force from and after its passage, and remain in force for twelve months after the ratification of a treaty of peace between the Confederate States and the United States.

Approved December 15th, 1863.

CHAPTER XXII.

An Act to relieve Joseph A. Black from the disabilities of minority.

Section 1. Be it enacted by the Legislature of the State of Texas, That Joseph A. Black, of Brazoria county, be and is hereby relieved from the disability of minority, and empowered to contract, and do, and perform all acts, as if he were of full age: and that this act take effect and be in force from and after its passage.

Approved December 15th, 1863.

CHAPTER XXIII.

An Act to authorize the Comptroller to issue a duplicate ten per cent. Treasury warrant.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Comptroller is hereby authorized to issue, to the original parties, a duplicate ten per cent. Treasury warrant, No. 1521, of date March 19th, 1861: Provided, the same has not already been returned to the Treasury, or been cancelled and other warrants without interest, been issued in lieu thereof.

Sec. 2. That before the Comptroller issues a duplicate, a bond shall be filed with him, conditioned that, in the event of the original being presented, the parties shall indemnify the State.

Sec. 3. That this act take effect and be in force from its passage.

Approved December 15th, 1863.

CHAPTER XXIV.

An Act for the relief of Carey Watson and his assigns.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office is required to issue a patent for three hundred and twenty acres of land to Carey Watson, or his assigns, in a survey made by virtue of unconditional certificate, No. 42, located within the Memphis, El Paso and Pacific railroad reservation, in the same manner as if the field notes had been returned within twelve months after the date of survey: Provided, said certificate is genuine, and that the file of the appropriation of said land was made before the date of reservation of said land from location.

Sec. 2. That this act take effect and be in force from its passage.

Approved December 15th, 1863.

CHAPTER XXV.

An Act to ascertain and establish the dividing line between Falls and Limestone counties.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Chief Justice of Falls county be and is hereby authorized, at any time before the first day of April, 1864, to appoint one commissioner to act on the part of said county, and shall immediately notify the Chief Justice of Limestone county

of such appointment. Upon the receipt of such notice, it shall be the duty of the Chief Justice of said Limestone county to appoint a like commissioner, to act on the part of Limestone county. The two commissioners so appointed shall, within one month after their appointment, select a third; and the three, so appointed and selected, shall, upon the first day of June, 1864, procure said line to be run and marked by such competent surveyor as they, or a majority of them, may select.

Sec. 2. In order to ascertain said line, said commissioners and surveyor shall commence at the upper corner of league No. 5, in the name of J. B. Franks, on the west bank of the Brazos river, and run thence north, sixty degrees east, fourteen miles thence south, thirty degrees east, to the boundary of Robertson county.

Sec. 3. Should said line not be run and marked, as provided for in the preceding sections in this act, by the first day of June, 1864, then, and in that event, the line heretofore run and marked by Thomas J. Oliver, District Surveyor of Robertson Land District, (a plat and field notes of which are on file in the County Clerk's office of Limestone county,) shall be deemed and held to be the true and established line between said counties, unless the failure to have said line run and marked, as herein provided, by the first day of June, 1864, shall have been caused by the neglect or refusal, of the Chief Justice or commissioner of Limestone county to co-operate with the Chief Justice or commissioner of Falls county.

Sec. 4. The surveyor herein provided for, upon completing said survey, shall make out a plat and the field notes thereof, in duplicate, and deliver a copy to each of said Chief Justices.

Sec. 5. The expenses of making said survey shall be paid, in equal proportion, by each of said counties.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved December 15th, 1863.

CHAPTER XXVI.

An Act to provide for the organization of McMullen county, and to attach the same to the Fourteenth Judicial District.

Section 1. Be it enacted by the Legislature of the State of Texas, That within sixty days from the passage of this act, or so soon thereafter as practicable, the Chief Justice of Live Oak county shall order an election to be held in the county of McMullen for county officers, by giving at least twenty days notice of the time and places of holding the same, and designating presiding officers. The presiding officers at such election shall swear the managers and shall themselves be sworn by the judges: said election shall be governed by the General Election law; shall be returned to the officer ordering the same; and said returns opened by him not sooner than the tenth, nor later than the twentieth, day after said election: he shall issue certificates of election to the officers elected, and administer to the Chief Justice elect the oath of office; and said Chief Justice shall, immediately thereafter, administer the oath of office to the other officers elect in the county, shall organize the County Court and complete the qualification of officers and the organization of the county, and make a return to the Secretary of State of the names of the officers elected, and the fact of their qualification, certifying thereto under his hand and seal of the Court.

Sec. 2. That immediately after the organization of the County Court, said Court shall select, not exceeding three, places suitable for a county seat, within five miles of the centre of the county, having due respect to donations or other advantages, and shall order an election for county seat, giving at least twenty days notice thereof, which election shall be conducted under the General Election laws, and the returns made to, and opened by, said Court, on the tenth day after the election. The place receiving the majority of all the votes cast shall be the county seat: and, if neither place shall receive a majority of all the votes

cast, a second election shall immediately be ordered between the two places having the largest number, in the same manner as aforesaid; and the final result of said election shall be entered in the minutes of the County Court, and a decree entered by them declaring the result, and giving the name adopted by them for said county seat; a copy of which decree shall be forwarded to the Secretary of State.

Sec. 3. The County Court shall have the power to acquire by donation, purchase, or otherwise, land for a county site, at the point selected as herein provided, not to exceed three hundred and twenty acres; or, should the point selected be upon vacant public domain, then the State hereby relinquishes the same, not to exceed three hundred and twenty acres, to such county; and, upon the return of the field notes thereof, certified as correct by a lawful surveyor, a patent shall be issued to the county for the same; and the Court shall proceed to lay out the land, acquired under this act, into lots, blocks and streets, setting apart ground for public purposes, churches, school-houses, and cemeteries; and, after giving at least twenty days notice, sell the same at such times, and on such terms, as said Court may deem best for the interest of the county. The proceeds of such sales shall be appropriated exclusively to the erection of public buildings. Should all, or any portion, of said lots be sold on a credit, the county shall hold a lien on the same, to secure payment or reversion of the land to the county, in case of non-payment.

Sec. 4. That said county of McMullen, until organized, shall be attached to Live Oak county for judicial, revenue and military purposes, and, when organized, shall be attached to the fourteenth judicial district. All laws and parts of laws, conflicting with the provisions of this act, are hereby repealed; and this act shall take effect and be in force from and after its passage.

Approved December 15th, 1863.

CHAPTER XXVII.

An Act to incorporate the Comal Oil Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That Herman Iken and his associates, and successors, be and they are hereby created a body corporate and politic by the name of "The Comal Oil Company," with power to sue and be sued, plead and be impleaded, to acquire, hold and convey property, real and personal, to have succession, and a common seal, and do such other things as are necessary to carry out the purposes of this act.

Sec. 2. The said corporation shall have power to erect and use buildings and machinery for the manufacture of oils, and of such other useful articles as shall not be prohibited by law: Provided, That said property shall never exceed in value one hundred thousand dollars.

Sec. 3. The capital stock of said company shall consist of shares of five hundred dollars each, which may be issued to the number of two hundred, the shareholders shall make by-laws for the government of the affairs of the company, and create such board of management as they think proper.

Sec. 4. That this act take effect from its passage, and continue in force for twenty years.

Approved December 15th, 1863.

CHAPTER XXVIII.

An Act to incorporate the East Texas Manufacturing Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That William M. Freeman, Asa W. Wright, Martin D. Rogers, Bailey Johnson, John Wilkes, M. F. Locke, and S. W. Beasley, and their associates, be and they are hereby incorporated a body politic under the name and style of "The East Texas Manufacturing Company," for the purpose of manufacturing cotton and woolen

goods, spinning of thread, and other fabrics for home or public use, and to perform all other acts and things necessary to the successful prosecution of the objects of the association, to hold real and personal property, to sue and be sued, plead and be impleaded, and take all other legal ways and means to carry out the objects of said corporation.

Sec. 2. The capital stock of said company shall not exceed the sum of two hundred thousand dollars, and may be invested in any way best calculated to assure the successful prosecution of the business of the company, who shall have the right to locate their manufactory at any point not over one hundred miles from the town of Jefferson, in Marion county, in this State. The parties named and appointed by this act, are hereby invested with the rights and power of directors, until directors are elected or chosen by the stockholders, when the power of said directors shall cease.

Sec. 3. When twenty-five thousand dollars of the capital stock is subscribed on the books of the company, the directors shall proceed to organize said company by calling the stockholders together and dividing the capital stock into shares of one hundred dollars, each share entitling the owner thereof to one vote, by himself or by written proxy; any stockholder may transfer his or her stock in writing, properly attested, which may show that the stock has changed hands.

Sec. 4. The government of the affairs of said company shall be vested in a board of five directors, a majority of whom shall constitute a quorum for the transaction of business; the stockholders shall elect one of their number president of the company. The directors shall give at least ten days notice to each stockholder of the time and place of election of new directors and president, who shall be chosen from among the stockholders, and hold their office for two years, and have the power to fill any vacancy that may occur in their board, until the next regular election; they shall also have power to appoint such other officers as they may find to be necessary, and require bonds for the faithful performance of their several duties; the books of said company shall be open to inspection of the stockholders at all times.

Sec. 5. The board of directors shall be convened by the president, who shall preside at all meetings of the board and stockholders, and, in his absence, a president pro tem, may be elected.

Sec. 6. Any stockholder failing or refusing to pay in his stock, or any instalment, after ninety days notice from the directors, without good cause shown, said stock shall be forfeited to the company, together with all instalments previously paid; no stockholder shall be liable for any debt or liability of said company for more than the amount of stock subscribed by him.

Sec. 7. The rights, powers, privileges, and immunities, hereby granted and conferred under this act, shall remain in force for the term of twenty-five years.

Sec. 8. This act shall take effect from and after its passage.

Approved December 15th, 1863.

CHAPTER XXIX.

An Act to incorporate the Paluxy and Brazos Sulphur, Nitre and Powder Manufacturing Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That John M. McReynolds, B. O. McReynolds, Shelby Stanfield, Jackson Berry, David McPhail, George Martin, Edward Pugh, Asa M. Wright, and Martin D. Rogers, and their associates and successors, be and the same are hereby declared and constituted a body politic, under the name and style of "The Paluxy and Brazos Sulphur, Nitre and Powder Manufacturing Company," with capacity to own property, both real and personal, to make contracts, to have succession and a common seal, to make by-laws for its government, and, in its corporate name, to sue and be sued, to grant and receive, and generally to do and perform such acts and things necessary and proper for, and incident to the fulfilment of its

objects, or maintenance of its rights under this act, and consistent with the provisions of the constitution of the State of Texas.

Sec. 2. That the said company be and is hereby established, with the right to erect, own, maintain and operate a Nitre, Sulphur and Powder Manufactory, and other articles of like nature, and derivable from ores, or earths, containing nitre, sulphur, or their acids, separately or conjointly, at such place or places as said company may elect.

Sec. 3. That the capital stock of said company shall be divided into shares of one hundred dollars each; and the holders of said shares shall constitute said company; and said capital stock shall not exceed fifty thousand dollars.

Sec. 4. That the affairs and business of said company shall be conducted by a board of directors, not less than three nor more than five, who shall be elected by the stockholders at their organization under this act, and annually thereafter: Provided, That in case of failure to elect at the stated time, or times, that the board of directors incumbent shall continue in office until there be an election, the time for which may be fixed by said board, whereof reasonable notice shall be given.

Sec. 5. That no person shall be eligible as a director, unless he be a member of the company. The said board shall elect a president from their number, fill vacancies, and appoint such officers as they may deem necessary, and require security for faithful performance of their respective duties; also, prescribe the time for payment of instalments and assessments on stock, and to declare the forfeiture of for non-payment of stock; and to do generally, or cause to be done, all other acts and things which they shall deem proper in conducting the business of said company; a majority of the board of directors shall constitute a quorum to do business.

Sec. 6. That the parties named in this act are hereby appointed commissioners and invested with the right of organizing said company, and that this charter shall expire at the end of twenty-five years from the passage of this act; and for that period the commissioners, or their associates and successors, named in this act, shall have the right to work and operate any mine or mines, cave or caves, reserved to the State, free from charge, let, or hindrance, on the part of the State of Texas.

Sec. 7. That this act take effect from and after the date of its passage.

Approved December 15th, 1863.

CHAPTER XXX.

An Act to authorize the Comptroller of the State to issue to A. R. Crozier duplicate ten per cent. Treasury warrants.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Comptroller be and he is hereby authorized to issue to A. R. Crozier duplicates for the ten per cent. Treasury warrants No. 3163, dated July 22d, 1861, and Nos. 3835 and 3837, dated October 22d, 1861.

Sec. 2. That said Crozier shall be required to produce evidence to the satisfaction of the Comptroller, that he is the just and rightful owner of said warrants, and that he has not sold, transferred or assigned the same; and shall also execute and file with the Comptroller a bond, in double the amount of the warrants, with two or more good and sufficient sureties, to indemnify the State against any other claim that may be set up against the State on account of said warrants.

Sec. 3. That this act take effect and be in force from and after its passage.

Approved December 15th, 1863.

CHAPTER XXXI.

An Act to incorporate the Hempstead Manufacturing Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That H. S. Hubby, A. Verse and W. W. Williams, of the State of Texas, their associates and successors be, and are hereby constituted and declared to be a body politic and corporate, under the name and style of the Hempstead Manufacturing Company, with capacity to own property, real and personal, not exceeding three hundred thousand dollars in value; make contracts; to have succession; a common seal; to make by laws for its government, and, in its corporate name, sue and be sued; to grant and receive, and generally to do and perform such acts and things as may be necessary and proper for, or incident to, the fulfillment of its objects, or maintenance of its rights, under this act, and consistent with the provisions of the State Constitution.

Sec. 2. That the said company be, and is hereby established, with the right to erect, own, maintain and carry on, an establishment for the manufacture of wool rolls, blankets, woolen and cotton cloth, spinning jennies, spinning wheels, looms, reels, fire-arms and other articles of prime necessity, separately or conjointly, at Hempstead, or such place, or places, as said company may select; that said company also have the privilege of running a Grist Mill in connection with the above mentioned business, when it does not interfere with the successful operation of the manufacturing department.

Sec. 3. That the parties named in this act, are hereby invested with the right of holding as many wagons and teams as may be necessary to carry on the successful operation of said manufactory.

Sec. 4. Be it further enacted, That said company be allowed, for the successful prosecution of said business, the following named competent hands, to-wit: A. Gurbmett (engineer), A. Oswald (blacksmith), David Myers (wood-workman), William Wolfe (weaver), A. Lendeman (wood-workman), W. C. Harney (wood-workman), and all other hands which they may employ in said factory, to be exempt from military duty so long as they shall be employed in said manufactory, and so long as said factory shall turn out a reasonable number of the articles herein mentioned, and are not sold for more than seventy-five per cent. above cost.

Sec. 5. That this act take effect and be in force from and after its passage, and remain in force for 20 years.

Approved December 16th, 1863.

CHAPTER XXXII.

An Act for the relief of the heirs of Miron B. Crawford.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required, to issue to the heirs of Miron B. Crawford, deceased, a certificate for three hundred and twenty acres of land, which said certificate may be located and surveyed as other genuine certificates.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved December 16th, 1863.

CHAPTER XXXIII.

An Act to incorporate the Brazos Manufacturing Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That Francis P. Wood, of Brazos county, Charles Cooper and Henry E. Lockett, of Washington county, R. H. Taylor, of Bonham, State of Texas, and Thomas F. Lockett, of the State of Missouri, and their associates and successors, be, and they are hereby declared to be a body corporate and politic, under the name and style of the Brazos Manufacturing Company, with capacity to make contracts; to

have succession and a common seal; to make by-laws for the government and regulation of its affairs, and in said corporate name to sue and be sued; to buy, receive and possess movable and immovable property, and to sell, alienate and dispose of the same, and generally to do and perform, all such acts and things as may be necessary and proper for, or incident to, the fulfilment of its objects, or the maintenance of its rights under this act, and consistent with the Constitution of this State.

Sec. 2. The said Company shall have the right, power and authority to own, erect, establish, maintain and operate, machinery and buildings, with all necessary fixtures, on the Brazos river, or its tributaries, for the manufacture of cotton and woolen goods or such other articles as said company may, at any time, choose to manufacture.

Sec. 3. The capital stock of said Company shall not be less than one million, nor more than two million dollars, to be divided into shares of one thousand dollars each, and the holders of such shares shall constitute said company, and each member shall be entitled to one vote in person, or by written proxy, for each and every share, he, or she may own upon the books of the company, and under such rules and regulations as may be from time to time prescribed by the by-laws of said company.

Sec. 4. The capital stock of the said company shall be transferable only upon the books of said company, in such manner, and subject to such regulations, as a majority of the stockholders may from time to time prescribe.

Sec. 5. All the corporate powers of the company shall be exercised by a board of directors, composed of not less than three nor more than nine stockholders, to be elected on the first Tuesday in January, of each year, at the office of the said company, *Provided*, The first election may be held in the town of Washington, immediately after the organization of the said company, and the board so elected, shall continue in office until the first annual election thereafter, and until their successors are elected; in all elections those persons who shall receive a plurality of votes, shall be considered elected, and in case of failure to elect at the stated time, the board of directors, then in office, shall continue until the next annual election.

Sec. 6. The Board of Directors shall elect a President from their number, fill vacancies, and appoint such other officers and agents as they may deem necessary, and remove the same at pleasure, and require security for the faithful performance of their duties: said board shall also prescribe the time for the payment of instalments or assessments upon stock, and the amounts of such assessments and instalments shall have the right to declare the forfeiture of such stock for non-payment, and do, or cause to be done, all other acts and things, which they may deem necessary, or proper, in conducting the affairs of the company. A majority of said Board of Directors shall constitute a quorum for doing business, and the board shall have the right to appoint a Vice-President from their number, to act in case of the absence of the President.

Sec. 7. All instruments in writing executed by the President, or in his absence, by the Vice-President, and by the Secretary, under the seal of the Company, with the consent of the board of directors, shall be valid and binding on the company.

Sec. 8. This act shall take effect and be in force from and after its passage, and continue twenty-five years, *Provided*, That no benefits shall accrue under the provisions of this act, unless the manufactory shall be put in successful operation within three years from the passage of this act.

Approved December 16th, 1863.

CHAPTER XXXIV.

An Act for the relief of Tonkawav Indians.

Section 1. Be it enacted by the Legislature of the State of Texas. That the sum of twenty thousand dollars, or so much thereof as may be necessary, is

hereby appropriated out of any funds, not otherwise set apart, in the Treasury for the support of the Tonkaway Indians.

Sec. 2. That the sum herein appropriated, is for the purpose of enabling a settlement of the accounts of the officers of the Frontier Regiment, who have furnished provisions to said Indians since the 23d day of August, 1863; and to provide for the purchase of provisions and blankets for said Indians, until such time as they may be provided for by the Confederate States Government.

Sec. 3. That while these Indians remain in Texas, and remain unprovided for by the Confederate States, the Governor be authorized to have the warriors employed on the frontier, with the frontier organization, with the same rate of pay allowed to the State organization; and that this act take effect from its passage.

Approved December 16th, 1863.

CHAPTER XXXV.

An Act for the relief of James P. Dumas.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Comptroller of the State be authorized and required to audit the claims of James P. Dumas, for beef furnished the regiment of State Troops under the command of Col. Wm. C. Young, in the year 1861, and that he allow the said Dumas the amount due him on the contract made with the Quartermaster of said regiment.

Sec. 2. That the sum of three thousand three hundred and twenty-five dollars and sixty-three cents, Confederate Treasury notes, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the Treasury, not otherwise set apart, to pay the said Dumas, when his claim has been settled by the Comptroller, as herein provided, and that this act take effect from its passage.

Approved December 16th, 1863.

CHAPTER XXXVI.

An Act to incorporate the Port Sullivan Male and Female College.

Section 1. Be it enacted by the Legislature of the State of Texas, That W. H. White, J. G. Hanna, C. O. Barton, D. Cole, F. M. Hale, J. C. Livingston, B. Stratman, R. J. Davis, J. Ferguson, H. A. Foster and C. C. Wilcox, and their successors in office, be, and are, hereby constituted a board of Trustees for the Male and Female College, established at Port Sullivan, in the county of Milam, and State of Texas, and which, by this act, is incorporated by the name and style of the "Port Sullivan Male and Female College," with perpetual succession for thirty years, and by which name they may sue and be sued, plead or be impleaded, buy and sell property, real, personal or mixed; may have a common seal, and do and perform any and all acts, that may be necessary to carry out the provisions of this act, for the benefit of said college, and may establish such rules and regulations, for the government of the same, as they may deem necessary, and which may not be inconsistent with the constitution and laws of the State of Texas, or of the Confederate States, and, in short, may do and perform all other acts incident to similar institutions, for the benefit of the same.

Sec. 2. Said college may have a male and female department, in which may be taught all branches of education taught in such institutions, to which may be added a military department, in which the science of war shall be taught, at the discretion of the body politic.

Sec. 3. Said board, and their successors in office, shall have power to receive, as donations, or otherwise, any lands, tenements, moneys, rents, goods, chattles or effects that may be given, granted, donated or devised to said college, for

the purposes of education, not to exceed in value, exclusive of the college grounds and buildings, five hundred thousand dollars.

Sec. 4. The before mentioned trustees shall have power to regulate their own time of service, not to exceed two years at any one time, without re-election by the stockholders, or body hereby incorporated; they shall have power to employ all necessary professors, tutors and teachers, to confer degrees, and to do any and every act usually done in similar institutions, not inconsistent as hereinbefore provided.

Sec. 5. All the acts and doings of the board of trustees heretofore had and performed, in reference to said college, is hereby legalized, and held as valid and obligatory: Provided, That the same be not inconsistent to the existing laws of the State.

Sec. 6. This act take effect and be in force from and after its passage.

Approved December 16th, 1863.

CHAPTER XXXVII.

An Act to incorporate Chappell Hill Manufacturing Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That William W. Browning, Bryant L. Peel, James F. Dumble, Gabriel Felder, Charles G. Young, Alexander McGowen, James F. Harvey and S. W. Sims, and their associates and successors in office, be, and are, hereby created into a body corporate and politic, for the purpose of manufacturing woolen and cotton cloths, cotton seed oil and iron, under the name and title of the "Chappell Hill Manufacturing Company," and in this name and style shall have full power to sue and be sued, plead and be impleaded and to do and perform all other acts and exercise all the rights and privileges, and be endowed with all the power incident to corporations.

Sec. 2. That the capital stock of said company shall be the amount actually paid in by the stockholders, at any time, Provided, That the capital stock shall not exceed one million of dollars, and shall consist of all its property, real, personal or mixed, choses in action, franchises or rights to property inchoate or perfected, and shall be divided into shares of one hundred dollars each and be deemed and considered in law personal property and estate, and be transferable by any conveyance in writing, recorded by the proper officer of said company, in books to be kept for that purpose at its office.

Sec. 3. That the above named incorporators shall be, and are, hereby constituted a provisional board of directors, a majority of whom shall constitute a quorum, and shall have power to open books for subscription to the capital stock of the company, and as soon as it shall be ascertained that fifty thousand dollars shall have been subscribed, they shall call a meeting of the stockholders who shall organize the company by the election of a new board of directors, and this corporation shall go into operation. The new board of directors, and their successors in office, shall be authorized, at their discretion, to increase the capital stock from time to time, by receiving new subscriptions, until the amount of one million shall have been subscribed, as provided in section two of this charter. The board of directors shall be authorized to fix the instalments upon subscriptions, and determine the times and manner of payment, all of which may be changed from time to time, at their discretion; they shall be authorized to receive, in payment of stock, Confederate Treasury notes, or bonds, or any kind of property, upon such terms as they may deem proper.

Sec. 4. That the business of the company shall be conducted by a board of seven directors, who shall be stockholders, four of whom shall constitute a quorum. The directors shall be elected by the stockholders, each share being entitled to one vote, which may be given in person or by proxy. The election for directors shall be held by the commissioners selected by the stockholders for that purpose. The first board elected shall hold their office until the first Mon-

day in October, 1864. The elections for directors shall be held on that day, and annually thereafter on the first Monday in October in each year; but a failure to hold the election shall not dissolve the corporation, but the board in office shall continue in office until their successors are elected. A majority of the stock subscribed shall be necessary to hold the first election for directors. At the subsequent and annual elections, the stock present and represented shall be competent to elect. Any vacancy occurring during the time for which directors are elected to serve, may be filled by a vote of the board. All elections for directors shall take place at the office of the company.

Sec. 5. That the office of the company shall be at Chappell Hill, until such time as the company shall have procured a location for their principal manufactory, and an office for the transaction of its business at said location, when, it shall be removed to and fixed at the place where said factory shall be located.

Sec. 6. That the board of directors shall, at their first meeting after their own election, elect a President and Secretary, and fix their salaries, which shall not be increased during the time for which they shall have been elected. The board of directors shall have power to remove their officers at their pleasure, and elect others in their place. The president of the company is the officer designated as the one on whom legal service of all process or citation shall be made, and the company shall be bound by service of process or citation, whether made on the president in person, or left to his address at the office of the company, at its office in the hands of any of its officers.

Sec. 7. That the chief officer, agents and superintendents, shall be exempt from jury service, and the buildings machinery, tools and materials, lands and slaves, and other property, used or to be used, in manufacturing things needed by the army or people, together with cotton designed for exportation, and the teams and hands employed in its transportation, shall be exempt from impressment.

Sec. 8. Be it further enacted, That the president and directors may make by-laws to regulate the issue of stock certificates, the declaring and paying of dividends, and for the proper and regular transaction of business, and may repeal, change, alter or amend the same, at any time they may deem proper.

Sec. 9. Be it further enacted, That the president and directors shall keep a record of the proceedings of their own meetings, and of the meetings of the stockholders, and accurate books of accounts of all the receipts and expenditures, to show the condition of the company, and a registry of the issue and transfer of all certificates of stock, which books and accounts shall be open at all times to the examination of the stockholders. All transfers, contracts and conveyances, made in pursuance of a vote of a majority of said board of directors, executed in writing, and signed by the president, and countersigned by the secretary, shall be valid and binding in law, and have the same force and effect as if done by a natural person. The president and directors shall be authorized to mortgage the property of the company to secure the payment of money borrowed, or any debts contracted by the company.

Sec. 10. That this charter may be altered or amended, from time to time, by the Legislature of the State of Texas, upon the petition of stockholders, holding or representing two-thirds of the capital stock of the company, setting forth the nature of the changes, or amendments desired.

Sec. 11. That this act shall take effect from and after its passage, and continue in effect twenty-five years.

Approved December 16th, 1863.

CHAPTER XXXVIII.

An Act to incorporate the Bastrop Iron Manufacturing Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That A. W. Moore, James H. Gillespie, David L. McNeil, James R. Nichols, Henry M. DeChaums, Napoleon B. Tanner, Kenner K. Rector, Nelson Rector. and their associates and successors, be. and they are, hereby constituted and declared a

body politic and corporate, under the name and style of the "Bastrop Iron Manufacturing Company," with capacity to own property, real and personal; make contracts; to have succession: a common seal; to make by-laws for its government, and in its corporate name, sue and be sued; to grant and receive and generally to do and perform, such acts and things as may be necessary and proper for, or incident to, the fulfillment of its objects, or maintenance of its rights, under this act, and consistent with the provisions of the State Constitution.

Sec. 2. That the said company be, and is hereby established, with the right to erect, own, maintain and operate, an Iron Manufactory, including pig or bar iron, or derivable from the ores of iron separately or conjointly, at such place, or places, as said company may elect.

Sec. 3. That the capital stock of said company shall be divided into shares of one thousand dollars each, and the holders of said shares shall constitute said company, and said capital stock shall not exceed two hundred thousand dollars.

Sec. 4. That the affairs and business of said company, shall be conducted by a board of directors, not less than three nor more than five, who shall be elected by the stockholders, at such time as may be appointed, and annually thereafter. Provided, That in cases of failure to elect at the stated time, the board of directors incumbent, shall continue in office until there be an election, the time for which may be fixed by said board, whereof reasonable notice shall be given.

Sec. 5. That no person shall be eligible as a director unless he is a member of said company; the said board shall elect a president from their number, fill vacancies, and appoint such officers as they may deem necessary, and require security for the faithful performance of the duties; also prescribe the time for payment of instalments or assessments, to declare the forfeiture of such stock for non-payment, and to do or cause to be done, all other acts or things which they may deem necessary, or proper, in conducting the business of said company; a majority of said board of directors shall constitute a quorum to do business.

Sec. 6. That the said company shall have the right to locate, and have surveyed and patented, any of the public domain lying in the counties of Caldwell, Gonzales or Bastrop, for the purpose of procuring iron ore, or timber, by paying into the General Land Office the sum of fifty cents per acre for said public domain: Provided, That the number of acres so located and patented, shall not exceed five thousand acres; and the State of Texas doth hereby relinquish to said company, all the right, title and claim, which the State of Texas has, in and to all minerals that may be found on any land so located and patented.

Sec. 7. That the parties named in this act, are hereby appointed commissioners, and invested with the right of organizing said company: and that this charter shall expire at the end of twenty years from the passage of this act.

Sec. 8. That this act shall take effect from its passage.

Passed December 16th, 1863.

CHAPTER XXXIX.

An Act to donate part of the State and County Taxes of Galveston County, for the year 1863, and during the continuance of the present war, to that County, for the relief of the Indigent Families of the County of Galveston.

Section 1. Be it enacted by the Legislature of the State of Texas. That the State and county taxes, when assessed and collected on property which pertains to said county, as situated therein, except for existing unusual circumstances, for the year 1863, in the county of Galveston, and such taxes, State and county, as may be assessed and collected, during the continuance of the war between the United States of America and the Confederate States, in said county, be and the same are donated to said county, for the use and relief of the indigent families of Galveston county: Provided, That nothing herein contained shall be

construed to release any person from paying to the State such taxes as may be levied in kind, or made payable in specie, which taxes in kind and specie are not donated, but shall be paid into the treasury.

Sec. 2. That the Assessor and Collector of said county be and he is hereby directed to make his return to the Comptroller of the State, as required by law.

Sec. 3. That this act take effect and be in force from and after its passage.

Approved December 16th, 1863.

CHAPTER XL.

An Act to release to the heirs of W. J. Mills, all the right, title and interest of the State of Texas, in and to the property owned by said Mills, at the time of his death, and devised by last will.

Whereas, Colonel W. J. Mills, of the county of Chambers, died while acting in the Quartermaster's Department of the Confederate States of America, in the month of November, 1863, and doubts have arisen as to the effect of a devise contained in his last will: Therefore,

Section 1. Be it enacted by the Legislature of the State of Texas, That all right, title and interest, legal or equitable, existing, or which by legal proceedings might be established, in behalf of the State Texas, in and to all the property belonging to Colonel W. J. Mills at his death, and devised in his last will, be and the same is hereby relinquished, released and surrendered to the heirs of said Colonel W. J. Mills, and the same, so far as the State of Texas is concerned or has interest, shall descend and pass to them, in the same manner as if said Mills had died intestate as to the same.

Sec. 2. This act shall be in force from and after its passage.

Approved December 16th, 1863.

CHAPTER XLI.

An Act to incorporate the Washington Iron Manufacturing Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That W. W. Bell, T. J. Jackson, and Wilson Bell, and their associates and successors, be and the same are hereby declared and constituted a body politic, under the name and style of "The Washington Iron Manufacturing Company," with capacity to own property, both real and personal, to make contracts, to have succession and a common seal, to make by-laws for its government, and, in its corporate name, to sue and be sued, to grant and receive, and generally to do and perform such acts and things as are necessary and proper for, and incident to, the fulfillment of its objects or maintenance of its rights under this act and consistent with the provisions of the constitution of the State of Texas, and to have and exercise all of the rights, privileges, and immunities, granted to other corporations of a like character.

Sec. 2. That the said company be and is hereby established, with the right to erect, own, maintain and operate an iron manufactory, including all articles manufactured from pig or bar iron, or derivable from the ores of iron, separately or conjointly, at such place or places as said company may elect.

Sec. 3. That the capital stock of said company shall be divided into shares of one hundred dollars each, and the holders of said shares shall constitute said company, and the capital stock of said company shall not exceed two hundred thousand dollars.

Sec. 4. That the affairs and business of said company shall be conducted by a board of directors, not less than three nor more than five, who shall be elected by the stockholders at their organization under this act, and annually thereafter: Provided, That in case of failure to elect at the stated time or times, that the board of directors incumbent shall continue in office until there be an

election; the time for which shall be fixed by said board of directors, whereof reasonable notice shall be given.

Sec. 5. That no person shall be eligible as a director, unless he be a member of the company. The said board shall elect a president from their number, fill vacancies, and appoint such officers as they may deem necessary, and require security for the faithful performance of their respective duties; also, prescribe the time for payment of instalments and assessments on stock, and declare the forfeiture thereof for non payment of stock, and to do generally, or cause to be done, all other acts and things which they shall deem proper in conducting the business of said company. A majority of the board shall constitute a quorum to do business for the corporation.

Sec. 6. That the parties named in section one of this act are hereby appointed commissioners, and invested with the right of organizing said company, and that this charter shall expire at the end of twenty-five years from the passage of this act, and for that period the commissioners and their associates and successors, named in this act, shall have the right to work and operate any mine, or mines, reserved to the State, free from charge, let, or hindrance, on the part of the State of Texas.

Sec. 7. That this act take effect and be in force from and after its passage.

Approved December 16th, 1863.

CHAPTER XLII.

An Act to incorporate the Gathings Male and Female College.

Section 1. Be it enacted by the Legislature of the State of Texas, That W. T. W. Taliaferro, P. H. Shelton, J. J. Gathings, A. D. Kennard, Philip Gathings, H. C. Lyon, D. T. Lawrence, J. S. Marrow, and J. O. Church, trustees of the Gathings Male and Female College, situated in the county of Hill, be and they are hereby created a body corporate, under the name and style of "The Board of Trustees of the Gathings Male and Female College," and by that name may sue and be sued, plead and be impleaded, enact such by-laws, rules and regulations, as may be necessary for their government, purchase, hold and enjoy property of all kinds, or may receive the same by donation, for the benefit of said college, to convert said property into money and dispose of the same, and shall have a common seal for the transaction of its business, and shall have the power to confer any and all literary honors upon all the students considered worthy to receive the same by the faculty.

Sec. 2. That the rights and privileges herein granted shall extend to the trustees herein named and their successors, and they may elect from their own number, under such regulations as they may adopt, and for such terms as they may see proper, a president, secretary, and treasurer, or any other officer or agent necessary in the board. They shall also have the power to construct such college buildings as may be necessary for said college, and to do all things necessary to the proper conduct and management of said college, not contrary to the law or inconsistent with this charter.

Sec. 3. That this act take effect and be in force from its passage, and remain in force for twenty-five years.

Approved December 16th, 1863.

CHAPTER XLIII.

An Act supplementary to "An Act to prohibit the sale of Intoxicating Liquors within five miles of the town of Dallas," passed at the present session of the Legislature.

Section. 1. Be it enacted by the Legislature of the State of Texas, That the provisions of the act, passed at the present session of the Legislature, to pro-

hibit the sale of intoxicating liquors within five miles of the town of Dallas, shall be so construed as to have effect and force within the limits of said town.

Approved Dec. 16th, 1863.

CHAPTER XLIV.

An Act to prohibit the sale of Ardent or Spirituous Liquors within ten miles of the Court House within the town of Huntsville, Walker county, except for medicinal purposes.

Section. 1. Be it enacted by the Legislature of the State of Texas, That if any person shall, within ten miles of the Court House within the town of Huntsville, Walker county, in this State, sell any ardent or spirituous liquors, except for medicinal purposes, in any quantities whatever, such person shall, upon conviction thereof, be deemed guilty of a misdemeanor, and fined in any sum not less than one hundred dollars and not more than one thousand; and the jury trying the same may add imprisonment in the county jail, not exceeding six months.

Sec. 2. That if any person shall, within the district prescribed in the first section of this act, give, barter, or exchange, any ardent or spirituous liquors to any one, with intent to evade the provisions of this law, such person shall be deemed guilty of a like misdemeanor, and, on conviction thereof, subject to the penalties prescribed in the first section of this act; and proof by the State of the delivery of liquors, the sale of which is herein prohibited within said district, shall be deemed prima facie evidence of intent to avoid, or evade, the provisions of this act; and it shall not be necessary for the State, in an indictment under this act, to allege or prove that the liquor sold, given, bartered, or exchanged, was not for medicinal purposes.

Sec. 3. That all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed.

Approved December 16th, 1863.

CHAPTER XLV.

An Act to incorporate the Trinity Manufacturing and Flouring Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That W. A. Rhea, James C. Rhea, Francis Dowell, W. H. Beane, C. Copenhaver, and their associates and successors in office, be and are hereby created a body corporate and politic, for the purpose of manufacturing woolen and cotton yarns and fabrics, under the name and title of "The Trinity Manufacturing Company," and in this name and style shall have full power to sue and be sued, plead and be impleaded, and to do and perform all other acts, and exercise all the rights and privileges and be endowed with all the powers incident to corporations.

Sec. 2. That the capital stock of said company shall be the amount actually paid in by the stockholders at any time: Provided, That the capital stock shall not exceed five hundred thousand dollars, and shall consist of all its property, real, personal or mixed, choses in action, franchise or rights to property, inchoate or perfected, and shall be divided into shares of one thousand (\$1000) dollars each, and be deemed and considered in law personal property and estate, and be transferable by any conveyance in writing, recorded by the proper officer of said company, in books to be kept for that purpose at its office.

Sec. 3. That the above named incorporators shall be and are hereby constituted a provisional board of directors, a majority of whom shall constitute a quorum, and shall have power to open books for subscription to the capital stock of the company; and as soon as it shall be ascertained that fifty thousand dollars shall have been subscribed, they shall call a meeting of the stockholders, who shall organize by the election of such officers as hereinafter named. The

officers elect, and their successors in office, shall be authorized, at their discretion, to increase the capital stock from time to time, by receiving new subscriptions, until the amount of five hundred thousand dollars shall have been subscribed, as provided in section two of this charter. The board of directors shall be authorized to fix the instalments upon subscriptions, and determine the times and manner of payment; all of which may be changed, from time to time, at their discretion; they shall be authorized to receive, in payment for stock, Confederate Treasury notes or bonds, or any kind of property, upon such terms as they may deem proper.

Sec. 4. That the business of the company shall be conducted by a board of directors, the number of which shall be determined by the stockholders; all of whom shall be stockholders, and a majority of whom shall constitute a quorum. The directors shall be elected by the stockholders, each share being entitled to one vote, which may be cast in person or by proxy. The first board of directors elected shall hold their office until the 1st of January, 1865; the election for directors shall be held annually thereafter, on the first Monday in January in each year, but a failure to hold the election shall not dissolve the corporation; and the board in office shall continue in office until their successors are elected. A majority of stock subscribed shall be necessary to hold the first election for directors; at the subsequent and annual elections, the stock present and represented shall be competent to elect; any vacancy occurring during the time for which directors are elected to serve, may be filled by a vote of the board. All elections for officers shall take place at the office of the company, which shall be located at the discretion of the company.

Sec. 5. That the board of directors shall, at their first meeting after their own election, select a president and secretary and fix their salaries, which shall not be increased during the time for which they shall have been elected; the board of directors shall have power to remove these officers at their pleasure, and elect others in their place. The president of the company is the officer designated as the one on whom legal service of all process or citation shall be served, and the company shall be bound by service of process or citation whether made on the president in person, or left to his address at the office of the company, in the hands of any of its officers.

Sec. 6. Be it further enacted, That the president and directors may make by-laws to regulate the issue of stock certificates, the declaring and paying of dividends, and for the proper and regular transaction of business; and may repeal, change, alter or amend the same, at any time they may deem proper.

Sec. 7. Be it further enacted, That the president and directors shall keep a record of the proceedings of their own meetings and of the meetings of the stockholders, and accurate books of accounts of all receipts and expenditures, to show the condition of the company, and a registry of the issues and transfers of all certificates of stock, which book and accounts shall be open at all times to the examination of the stockholders. All transfers, contracts, and conveyances, made in pursuance of a majority of said board of directors, executed in writing, and signed by the president and countersigned by the secretary, shall be valid and binding in law, and have the same force and effect as if done by a natural person: the president and directors shall be authorized to mortgage the property of the company to secure the payment of money borrowed, or any debt contracted by the company.

Sec. 8. That this charter may be altered or amended, from time to time, by the Legislature of the State of Texas, upon the petition of stockholders, holding or representing two-thirds of the capital stock of the company, setting forth the nature of the change or amendments desired.

Sec. 9. That this act take effect from and after its passage, and continue in effect twenty-five years.

Approved December 16th, 1863.

CHAPTER XLVI.

An Act to prohibit the retail of Intoxicating Liquors in the neighborhood of Round Rock.

Section. 1. Be it enacted by the Legislature of the State of Texas, That it shall not be lawful to retail any ardent, alcoholic, or intoxicating liquors, within the distance of four miles from the school-house in the town of Round Rock, in Williamson county, (unless sold by apothecaries for medical purposes;) and any person offending against the provisions of this act shall be deemed guilty of a misdemeanor, and, on conviction thereof before any Court of competent jurisdiction, shall be fined in any sum not less than one hundred nor more than five hundred dollars, for each and every offense so committed.

Passed December 16th, 1863.

CHAPTER XLVII.

An Act to prohibit the sale of Intoxicating Liquors in the vicinity of the town of Dallas, in Dallas county.

Section. 1. Be it enacted by the Legislature of the State of Texas, That it shall not be lawful to sell any intoxicating liquors, whether alcoholic, malt, distilled, or brewed, within five miles of the town of Dallas, in Dallas county, (unless sold by apothecaries for medicinal purposes;) and any person, or persons, offending against the provisions of this act, shall be guilty of a misdemeanor, and, on conviction thereof before the District Court of Dallas county, or before any Justice of the Peace, in the precinct in which the town of Dallas is situated, shall be fined in any sum not less than fifty nor more than five hundred dollars, for each and every offence against this act.

Sec. 2. That proceedings under this act shall be commenced on affidavit, view, or information, and, upon conviction by information, one-half of the fine assessed against the offender shall go to the informer and the other half to the county treasury of Dallas county, to be used in support of the families of soldiers; and that this act be in force thirty days from and after its passage.

Passed December 16th, 1863.

CHAPTER XLVIII.

An Act to prohibit the sale of Intoxicating Liquors in the neighborhood of San Saba Masonic College.

Section. 1. Be it enacted by the Legislature of the State of Texas, That it shall not be lawful to sell any intoxicating liquors, whether the same be alcoholic, malt, distilled, or brewed, within five miles of the San Saba Masonic College, situated in San Saba county, (unless sold by apothecaries for medicinal purposes: and any person offending against the provisions of this act, shall be deemed) guilty of a misdemeanor, and, on conviction thereof before the District Court of San Saba county, or before any Justice of the Peace of the precinct in which the San Saba Masonic College is situated, shall be fined in any sum not less than fifty nor more than five hundred dollars, for each and every offence; the District Court and Justices of the Peace having concurrent jurisdiction over offences arising under this act: Provided, That no Justice of the Peace shall have power to assess a fine of more than one hundred dollars.

Sec. 2. That all money collected by fines, imposed under the provisions of this act, shall be paid over to the trustees of the San Saba Masonic College, for the use of said College.

Sec. 3. That prosecutions under this act shall be commenced within twelve

months after the commission of the offence; and this act take effect and be in force from and after the first day of January, A. D., 1864.

Passed December 16th, 1863.

CHAPTER XLIX.

An Act for the relief of Ayres Moody.

Section. 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be and he is hereby authorized to issue to Ayres Moody a head-right certificate for twelve hundred and eighty acres of land, in lieu of the one obtained in the District Court of Harrison county, on the 11th day of September, 1840, which has been lost or mislaid.

Sec. 2. That this act take effect and be in force from and after its passage.

Passed December 16th, 1863.

SPECIAL JOINT RESOLUTIONS.

CHAPTER I.

Joint Resolution authorizing the Military Board of the State to pay the Confederate Tax, levied on Whitescarver, Campbell & Co., contractors with said Board for the Manufacture of Arms.

Whereas, Messrs. Whitescarver, Campbell & Co., of Rusk, Cherokee county, are under contract to manufacture guns for the Military Board of the State, and have faithfully performed their contract; and the Confederate Tax Collector has levied an occupation tax of two hundred dollars and two and one-half per cent. on the amount of sales; and, whereas, said Armory has been exclusively occupied in working for the State:

Therefore, be it resolved, That, in settlement of their account, the Military Board be directed to allow Messrs. Whitescarver, Campbell & Co. the amount paid by them for the taxes above enumerated.

Approved November 27th, 1863.

CHAPTER II.

Joint Resolution authorizing the Military Board to cancel a Contract made by them with Short, Biscoe & Co., for the Manufacture of Arms.

1. Be it resolved by the Legislature of the State of Texas, That the Military Board be and they are hereby authorized and required to cancel and annul a contract made by them in behalf of the State, on the — day of —, A. D., —, with Short, Biscoe & Co., of Smith county, for the manufacture of arms, upon the following conditions, viz: That said Short, Biscoe & Co. shall first repay to the Military Board all sums of money which may have been advanced to them by the Military Board on said contract, together with interest thereon, at the rate of eight per cent. per annum from the date the same was received by them; and, on the further condition, that they shall produce evidence to the satisfaction of the said board, that they have sold, or firmly contracted, to the government of the Confederate States, or its authorities, all the fixtures, machinery and material, which they have constructed, or may have on hand, for the purpose of carrying out their said contract.

Sec. 2. That this resolution be in force from and after its passage.

Approved December 4th, 1863.

CHAPTER III.

JOINT RESOLUTION.

Whereas, Messrs. Billups & Hassel, of Plenitude, Anderson county, did, in the month of June, 1862, enter into contract with the Military Board to manu-

facture and deliver seven hundred guns, of the model of the Mississippi rifle, at the price of thirty dollars, payable in currency; of which number, the said parties have delivered six hundred; and, whereas, owing to the scarcity of iron and other material, and the impossibility of procuring necessary tools for the work, renders it impossible for the parties to make the remainder of the number contracted to be delivered:

Therefore, be it resolved by the Legislature of the State of Texas, That the Military Board be directed and required to cancel the contract entered into by and between the said board and Billups & Hassel; and this resolution be in force from and after its passage.

Approved December 8th, 1863.

CHAPTER IV.

Joint Resolution requesting the Commanding General of this Military District to detail men for Texas Iron Works.

Whereas, the article of iron is becoming a matter of necessity, both to the Confederate and State Governments, and, under the existing military laws, conscripting and drafting all men between the ages of eighteen and fifty into the service of the country, it is difficult to obtain the mechanical aid necessary to carry on the founderies now engaged, or which may hereafter be engaged, in the manufacture of iron, &c.

1. Be it resolved by the Legislature of the State of Texas, That the Commanding General of this Military District be requested to make such details as may be necessary to carry on all manufactories now in operation, or which may hereafter be established, for the purpose of making iron in this State.

2. Be it further resolved, That the Governor of this State transmit a copy of this resolution to the Commanding General of this Military District.

Approved December 11th, 1863.

CHAPTER V.

Joint Resolution in relation to the capture of two Yankee flags captured from the enemy.

1. Resolution. Be it resolved by the Legislature of the State of Texas, That we have received with feeling of patriotic pleasure the stands of colors of the 4th New Jersey regiment, captured by the 5th Texas Infantry, in the battle of Richmond, June 27th, 1862, and, also, a Yankee flag, captured at the battle of Lafourche, by the 4th Texas Cavalry, July 13th, 1863.

2. Resolution. That the capture of these standards from our boastful and numerous and infuriated foes, is evidence, again repeated, of the heroic and indomitable courage of the Southern soldiers, fighting for freedom and independence, evincing their firm and unalterable determination to stand by their country, through sunshine and through storm, until the unprincipled enemy is driven from the soil of our native land, and covers the name of Texas and of the Confederate States with imperishable glory, challenging the admiration of the world.

3. Resolution. That these mementoes of Texan chivalry be assigned a place among the archives of the State, and preserved as trophies, glorious to the captors and to the people of Texas, proud of their invincible sons.

4. Resolution. That in further token of the admiration of the people of Texas, these resolutions be forwarded by the Governor, to be read at the head of the regiments above named.

Approved December 11th, 1863.

CHAPTER VI.

Joint Resolution requesting General J. B. Magruder to detail certain persons therein named.

Whereas, H. Ward, a citizen of Titus county, who is the proprietor and operator of a wool-carding machine in said county has been drafted into the military service of the State, and is now a member of Captain Epperson's company, in Major Carter's battalion, State troops; and, whereas, S. G. Watts, an engineer employed in running a steam flouring-mill for G. A. Kebburn, in Dallas county, has been drafted in like manner, and is now a member of Captain McCarney's company, in Lieutenant-Colonel Smith's command, 2d regiment State Cavalry; and whereas, the services of the aforesaid H. Ward and S. G. Watts are much needed in their respective vocations by the communities of their respective localities:

Therefore, be it resolved by the Legislature of the State of Texas, That General Magruder, commander of this Military Department, be and he is hereby requested to detail the said H. Ward, for the purpose of running said wool-carding machine, and the said S. G. Watts, for the purpose of running the aforesaid flouring mill; and that the Governor of the State be required to forward a copy of this resolution to General Magruder, immediately after its passage.

Approved December 11th, 1863.

CHAPTER VII.

Joint Resolution in regard to the Purchasing of Beeves and other Government supplies, in Texas, by the Messrs. Payne & Co., on Government account, with counterfeit Confederate money.

Whereas, during the year 1862, Messrs. J. A. Payne & Co., of the State of Kentucky, acting under authority purporting to issue from the Commanding General of the Confederate Army in the West, did purchase a large number of beeves and other property in the State of Texas, from citizens of Hill, McLennan, Falls, Bosque, and other counties, and did pay therefor counterfeit Confederate States treasury notes, amounting in the aggregate to one hundred thousand dollars, or more; and, whereas, it is a notorious and public fact, that the said Messrs. Payne were arrested by the authorities of the Confederate States, as counterfeiters, before they had delivered or received pay for said property; and that the Government of the Confederate States did, thereafter, receive the same and appropriate it to the use of its army, and has never yet paid the purchase money therefor, but holds the same in its treasury; and, whereas, the citizens of Texas acted in good faith and patriotism in selling said supplies to the Confederate Government, and are, therefore, justly entitled to a reasonable and fair compensation for the same:

1. Therefore, be it resolved by the Legislature of the State of Texas, That our Senators in Congress be instructed, and our representatives requested, to use their best endeavors to have a law passed by Congress providing for the sending of a commissioner, or other proper officer, to some convenient locality in Texas, in the part of the country where such purchases were made by Payne & Co., with full power and authority to examine and determine the character of the money circulated by said Payne & Co., and to redeem the same with genuine Confederate money, whether the same be now in the hands of the original payee or of other parties, who have given a valuable consideration therefor.

2. Resolved. That the Governor forward a copy of this resolution to our Senators and Representatives in Congress.

Approved December 14th, 1863.

CHAPTER VIII.

Joint Resolution to authorize the Military Board to manufacture Salt, and making an appropriation for the same.

1. Resolved, That the sum of fifty thousand dollars is hereby appropriated, out of any moneys in the treasury not otherwise set apart, and placed at the disposal of the Military Board, for the purpose of manufacturing salt, at the salt springs and creeks near the Double Mountain, or at any other place in Texas where salt can be made advantageously. That the board is authorized to exercise its discretion in the outlay of the money herein appropriated, or so much thereof as may be necessary so as to obtain the best results in obtaining salt for the use of the people.

2. Resolved, further, That the Governor be requested to ask of the Military Commander of this Department to make such disposition of the Confederate troops, upon the north-western boundary of this State, as will protect the line of travel to parties engaged in making salt at the Double Mountain, or other works, hereafter to be put in operation, whenever such protection may be necessary.

Approved December 15th, 1863.

CHAPTER IX.

JOINT RESOLUTION.

1. Be it resolved by the Legislature of the State of Texas, That whereas, on or about the first day of March, 1862, the 4th Regiment Texas Mounted Volunteers, known as Reiley's or 1st Regiment of Sibley's Brigade, did, in the Territory of New Mexico, by request of the Commanding General, turn over to the Confederate authorities their horses, saddles, and bridles, for which said regiment has never received any pay:

2. Therefore, be it resolved by the Legislature of the State of Texas. That our Senators in Congress be instructed, and our Representatives requested, to use their efforts to obtain the passage of a law by which the said regiment will receive the pay that is justly due them for said property.

Approved December 15, 1863.

CHAPTER X.

Joint Resolution authorizing the Military Board to issue Percussion Caps to the members of the Senate and House of Representatives, and the officers thereof.

Be it Resolved by the Legislature of the State of Texas. That the Military Board of the State of Texas, are hereby authorized and required, to issue, to the members and officers of the Tenth Legislature. (Senate and House of Representatives.) one box of five hundred percussion caps each, at the usual market price, and that this act be in force from and after its passage.

Approved December 16th. 1863.

CHAPTER XI.

Joint Resolution accepting from Governor John R. Baylor, two Pieces of Artillery captured in Arizona.

Be it Resolved by the Legislature of the State of Texas, That two pieces of Artillery, captured by Captain James Walker's Company, of the 2d Regiment of Mounted Rifles, in Arizona, while under the command of Governor John R.

Baylor, which have been tendered to the State of Texas by said Baylor, as a memento of the gallantry of the regiment aforesaid, that captured said artillery, now known as Pyron's Regiment, be, and the same are hereby accepted upon the terms proposed, and the Governor is hereby requested to have said guns disposed of, so as to effectuate the wishes of the patriotic donor; and to transmit a copy of this resolution of Governor John R. Baylor, as an acknowledgment of the estimation in which the State of Texas holds him and his gallant command for their brilliant achievements in Arizona.

Approved December 16, 1863.

CHAPTER XII.

Joint Resolution in relation to the name of Walker County.

Whereas, it is the opinion of many persons, in and out of the County of Walker, in this State, that said county was named in honor of one Robert J. Walker, then a distinguished citizen of the State of Mississippi, and who had rendered himself popular with the people of Texas by his warm advocacy of the annexation of Texas to the United States; and whereas, the said Robert J. Walker, ungrateful to the people who honored him, and nurtured him in political distinction, has deserted that people, and is now leagued with Abraham Lincoln in his vain efforts to subjugate the Southern States, now struggling for their liberties and independence, thereby rendering his name justly odious to the people of Texas and the Confederate States of America; therefore,

1. Be it resolved by the Legislature of the State of Texas, That the County of Walker, in this State, be, and the same is, hereby named Walker County, in honor of Captain Samuel H. Walker, the distinguished Texas Ranger, who fell in Mexico, while gallantly fighting for the rights and honor of the State of Texas, and that henceforth no honor shall attach to the name of Robert J. Walker, in consequence of a county in this State bearing the name of Walker.

Sec. 2. That this "Joint Resolution" take effect and be in force from and after its passage.

Approved December 16th, 1863.

THE STATE OF TEXAS,

Department of State.

I, Robert J. Townes, Secretary of State of the State of Texas, do certify that I have compared the foregoing Laws and Joint Resolutions of the Tenth Legislature with the originals now on file in the Department of State, and that they are true copies of such originals.

I further certify, that the Tenth Legislature of the State of Texas convened at Austin on Monday, the second day of November, one thousand eight hundred and sixty-three, and adjourned on Wednesday, the sixteenth day of December, at 11 o'clock, P. M., of the same year.

In testimony whereof, I have hereunto signed my name, and caused
[SEAL.] the Seal of the Department of State to be affixed, at Austin, this twelfth day of February, A. D., 1864.

R. J. TOWNES,
Secretary of State.

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GENERAL AND SPECIAL

LAW S

OF THE

CALLED SESSION

TENTH LEGISLATURE

OF

THE STATE OF TEXAS

HOUSTON
1864

GENERAL LAWS.

CHAPTER I.

An Act to amend the 2d and 3d sections of an Act entitled "An Act to reorganize the 16th Judicial District and define the time of holding Courts therein," approved February 2d, 1861.

Section 1. Be it enacted by the Legislature of the State of Texas, That the 2d section of the above recited act be amended so as to read as follows: "The District Court shall be held twice in each year, in said District, as follows, to wit: In the County of Ellis on the 1st Mondays in March and September, in each year, and may continue in session two weeks; in the County of Johnson on the 3d Mondays in March and September, and may continue in session one week; in the County of Parker, on the 4th Mondays in March and September, and may continue in session two weeks; in the County of Tarrant, on the 2d Monday after the 4th Mondays in March and September, and may continue in session two weeks; in the County of Dallas, on the 4th Monday after the 4th Mondays in March and September, and may continue in session two weeks; in the County of Kaufman, on the 6th Monday after the 4th Mondays in March and September, and may continue in session two weeks; in the County of Van Zandt, on the 8th Monday after the 4th Mondays in March and September, and may continue in session until the business is disposed of."

Sec. 2. That the third section of the act above recited be so amended as to read as follows: "That all writs and other process issued from the District Courts, of any of the counties named in this act, shall be made returnable to the terms of said Courts as established by this act, and all cases of appeals, or writs of error from judgments of the District Court in this District, shall be returnable to the Supreme Court at Austin, except the Counties of Kaufman and Van Zandt, which shall be returnable to the Supreme Court at Tyler."

Sec. 3. That all laws conflicting herewith be, and the same are, hereby repealed, and that this act take effect, and be in force, from and after its passage.

Approved May 20th, 1864.

CHAPTER II.

An Act making an appropriation to defray the Contingent Expenses of the Extra Session of the Tenth Legislature.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of twenty thousand dollars, Confederate Treasury notes, or so much thereof as may be necessary, be, and the same is hereby appropriated to pay the contingent expenses of the Extra Session of the Tenth Legislature.

Sec. 2. That this act take effect from and after its passage.

Approved May 23d, 1864.

CHAPTER III.

An Act to reorganize the Seventeenth Judicial District and to prescribe the time for holding Courts therein.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Seventeenth Judicial District shall hereafter be composed of the Counties of Williamson, Burnet, Llano, Mason, San Saba, McCulloch, Brown and Lampasas, and the District Court shall be held twice in each year, in each of said counties, as follows: In the County of Williamson, on the 1st Mondays in March and September, and may continue in session four weeks; in the County of Burnet, on the 4th Monday after the 1st Mondays in March and September, and may continue in session one week; in the County of Llano, on the 5th Monday after the 1st Mondays in March and September, and may continue in session one week; in the County of Mason, on the 6th Monday after the 1st Mondays in March and September, and may continue in session one week; in the County of San Saba, on the 7th Monday after the 1st Mondays in March and September, and may continue in session one week; in the County of McCulloch, on the 8th Monday after the 1st Mondays in March and September, and may continue in session one week; in the County of Brown, on the 9th Monday after the 1st Mondays in March and September, and may continue in session one week; in the County of Lampasas, on the 10th Monday after the 1st Mondays in March and September, and may continue in session until the business is disposed of.

Sec. 2. That all writs, and other process issued from the District Court of any of the counties named in this act, shall be made returnable to the terms of said Courts as established by this act.

Sec. 3. That this act take effect from its passage.

Approved May 23d, 1864.

CHAPTER IV.

An Act to amend an Act entitled "An Act to amend an Act entitled an Act to organize County Courts." Approved February 16th, 1862.

Section 1. Be it enacted by the Legislature of the State of Texas, That the first section of the above recited act be, and the same is hereby so amended as to read as follows:

"Section 20. The regular terms of the County Court shall commence and be held at the Court-house of each county, in this State, on the last Monday in every month for the probate of wills, the granting of letters testamentary, of administration, and of guardianship, and the transaction of all business growing out of, or connected with the powers and jurisdiction of the County Courts, over executors, administrators and guardians, and estates of deceased persons, minors, idiots, lunatics, and persons non compos mentis. Such terms shall be held by the Chief Justice, without the assistance of any of the County Commissioners, and may be continued from day to day, for one week, but not longer; and the Chief Justice shall have the authority to transact such business growing out of, or connected with such powers and jurisdiction, during the vacation between said terms of said court, as may be authorized by law."

Sec. 2. That this act be in force from and after its passage.

Approved May 23d, 1864.

CHAPTER V.

An Act to prevent Slaves from exercising pretended ownership over property.

Section 1. Be it enacted by the Legislature of the State of Texas, That it shall

be unlawful for any slave owner to knowingly permit any slave to have, or exercise, any pretended ownership or control, in his or her own right, over any horses, cattle, sheep or hogs, within this State. And where any such pretended right of ownership now exists, the master, or other person having the control of such slave, shall, within six months after the passage of this act, dispose of such property by sale or otherwise.

Sec. 2. The owner offending under the first section of this act, may be indicted and tried in the District Court, and upon conviction, shall be fined in any sum not exceeding the value of the horses, cattle, sheep, goats or hogs, over which such negro may exercise a pretended right of ownership, or on which such negro shall have a brand or ear mark.

Sec. 3. That this act take effect and be in force from its passage.

Approved May 26th, 1864.

CHAPTER VI.

An Act to provide for the revision of the Laws.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Governor be, and he is hereby authorized, to appoint a competent person to revise, digest, and arrange the Laws, Civil and Criminal, of this State.

Sec. 2. That said Reviser shall, in performance of the duties imposed by this act, reduce the several subjects into proper chapters and sections, bringing into each chapter, as near as may be, a condensation of all the public laws appertaining to the subject treated in each chapter; that the Reviser shall not simply transfer the Statutes, but shall, (without changing the sense,) so alter their phraseology as to exclude all redundancy of expression; and where there shall be several acts relating to the same subject, they shall be condensed into one, and so expressed as clearly to set forth the sense of the whole, having regard to judicial expositions thereof; and he shall simplify and arrange, under distinct heads, the manner of procedure in the several Courts of this State.

Sec. 3. That whenever it shall be apparent that there may be Legislative omissions in any Statute, said Reviser shall supply the same so as to perfect such Statute, and render its operations complete.

Sec. 4. That said Reviser shall prepare appropriate titles, and sub-divisions of titles for each chapter, clearly and briefly expressive of the subjects treated; also, shall make an index, for easy reference to the manuscript copy of the Code; shall add such marginal notes to the Acts as shall be proper for the clear elucidation of them, and for easy reference to the several laws from which he may compile, with references to the decisions of the Supreme Court, in which construction may be given to the acts.

Sec. 5. That said Reviser shall prepare said Code and report the same to the Governor, whose duty it shall be, after said Code has been reported to him, to have at least two hundred copies of the same, together with the report of the Reviser, printed, and report the same to the Legislature as soon as practicable.

Sec. 6. That said Reviser shall have the right to take from the office of the Secretary of State, and the library of the Supreme Court, any books necessary for the performance of his duties under this act, upon giving his receipt therefor, and he shall be responsible for the return of the same within a reasonable time.

Sec. 7. That said Reviser shall receive for his services such compensation as the Legislature may hereafter provide.

Sec. 8. That this act take effect and be in force from and after its passage.

Approved May 27, 1864.

CHAPTER VII.

An Act to regulate the reception and disposal of Confederate Notes and Bonds, now and hereafter, in the Treasury.

Section 1. Be it enacted by the Legislature of the State of Texas, as follows: After the last day of next June, Assessors and Collectors of Taxes, and other Receivers of funds for the State, or in its name, or for counties, shall not receive any Confederate notes of the old issue of the denomination of one hundred dollars: Provided, however, that the County Courts of the several counties, by order duly entered on the minutes thereof, either at regular or special terms, may fix any other day than the said last day of June after the passage of this act, and before the said last day of June, after which day so fixed, it shall not be lawful for any Assessor and Collector to receive said notes in payment of any county taxes, and they may also require their Assessors and Collectors to pay over to the County Treasurer all such notes on or before that day.

All notes of this denomination, not bearing interest, and at the date aforesaid in the Treasury, or belonging to the State, shall be funded by the Comptroller according to the provision therefor by the present or any future law of the Confederate States of America; and the Governor is authorized to make the necessary certificate to determine the notes to be so funded.

The bonds, obtained by such funding, shall be deposited in the Treasury in substitution for the notes so funded, and shall so remain until otherwise disposed of, either by future legislation or by sale, which may be made by a Commission, consisting of the Governor, the Comptroller, and the Treasurer; but such sale shall not be made unless the Commission shall consider that it would be advantageous to the State; in which case the Commission may exchange the whole or any part of said bonds for any indebtedness of the State or for current treasury notes of the Confederacy of the new issues, in such manner as may be deemed best for the interest of the State.

All Confederate treasury notes continued in circulation, or put therein as currency, without being subjected to any provision for necessary funding, by a law now or hereafter made by the Confederate Congress, shall be recognized as the new issue of Confederate treasury notes, in contradistinction from all Confederate treasury notes, now or hereafter subjected to some provision of Confederate law for necessary funding, to be known as the old issue of Confederate treasury notes.

Sec. 2. Confederate treasury notes, bearing interest, shall not be received for taxes or other public dues after the last day of next June; and all such notes, now or hereafter in the Treasury, shall so remain, or may be otherwise disposed of as provided in the first section for the disposal of bonds.

Sec. 3. Confederate treasury notes of the old issue, as defined in the first section, shall not be receivable at par for public dues after the last day of next June; but such notes, except those disposed of otherwise by the first and second sections, may be thereafter received for public dues until the last day of next October, including that day, but not longer, at the rate of three for two, or one-third less than the nominal amount: and all such notes now or hereafter in the Treasury, shall be exchanged for Confederate treasury notes of the new issue, as defined in the first section, according to the law for such exchange, and the Comptroller shall make such exchange of these notes as soon as may be conveniently done after their reception into the Treasury; provided such notes may be paid by the Treasurer on any warrant of the Comptroller at said rate of three for two, if the creditor be willing so to receive payment.

Sec. 4. Every law heretofore or hereafter provided, in general terms, for the reception or disbursement of Confederate treasury notes, shall be construed as embracing such notes of the new issue, and excluding those of the old issue, as defined in the first section, and shall have corresponding effect.

Sec. 5. So far as any existing law may be incompatible with this act, such

inconsistent law is suspended as to the subjects of this act, so that its provisions may be enforced as to its subjects without repealing the existing law as to other subjects.

Sec. 6. That this act shall be in force from its passage.

Approved May 27, 1864.

CHAPTER VIII.

An Act to punish unlawful interference with private property or private rights.

Section 1. Be it enacted by the Legislature of the State of Texas, That if any person or persons shall, without lawful authority, take, molest or disturb, or cause to be taken, molested or disturbed the personal or moveable property of any person or persons in this State; or if any person or persons, without lawful authority, molest or disturb any person or persons in the free use and enjoyment of his, her or their personal or moveable property, or unlawfully cause any person to be molested or disturbed; or if any person or persons shall, without lawful authority, prevent or prohibit, or cause to be prevented or prohibited, any person from lawfully transporting, or exporting, or disposing of his, her or their personal or moveable property, by threats, force, exaction, or any other means whatever; or if any person or persons shall, under the semblance of legal order, or authority, unlawfully take, molest or disturb the personal or moveable property of any person or persons, or by any means whatever interfere with, or cause to be interfered with, the free use, transportation, exportation or disposition of the same, or shall, in the exercise of lawful authority, act unlawfully or oppressively towards the owner thereof; he, she or they, thus offending, and every person in so offending, shall be deemed guilty of an offence, and, upon conviction, shall be fined in any sum not less than one hundred dollars, or by imprisonment in the County Jail not longer than twelve months, or by confinement at hard labor in the Penitentiary for any term not less than two years, or by fine and imprisonment as aforesaid, at the discretion of the Jury.

Sec. 2. If any person shall violate any provision of the first section of this act, under the false pretence of acting under orders from lawful authority, when, in fact, he has no such orders, it shall be deemed an aggravation of the offence, and punished by fine of not less than two hundred dollars, or by confinement, at hard labor, in the Penitentiary not less than four years, or by fine and imprisonment as aforesaid, at the discretion of the Jury.

Approved May 28th, 1864.

CHAPTER IX.

An Act making an appropriation to meet any deficiency that may accrue in the appropriation to pay the expenses of the Comptroller's Department for the years 1864 and 1865.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of five thousand dollars, or so much thereof as may be necessary, be and is hereby appropriated to meet any deficiency that may accrue in the appropriation made for paying the expenses of the Comptroller's Department for the years 1864 and 1865.

Sec. 2. This act to take effect and be in force from and after its passage.

Approved May 28th, 1864.

CHAPTER X.

An Act supplemental to, and amendatory of "An Act to adopt and establish a Penal Code."

Section 1. Be it enacted by the Legislature of the State of Texas, That the act above recited be amended by adding the following article to the same, to-

(765)

wit: "Article 348.A.—If any officer of the law shall wilfully or negligently fail to perform any duty imposed on him by the Penal Code, or Code of Criminal Procedure, he shall, when the act or omission is not otherwise defined, be deemed guilty of a misdemeanor, and punished as prescribed in Article 349 of this Code."

Approved May 28th, 1864.

CHAPTER XI.

An Act to amend the third section of "An Act to provide for the support of the Families and Dependents of Texas Soldiers." Approved December 15th, 1863.

Section 1. Be it enacted by the Legislature of the State of Texas, as follows, to-wit: That the third section of the above recited act be amended so as to read as follows, to-wit:

"Sec. 3. It shall be the duty of the Comptroller of the State, immediately after the passage of this act, to forward to the Chief Justice of each county in the State a copy of this act, with such instructions and forms as may be necessary to carry its provisions into effect, and the Chief Justices shall immediately upon the receipt of the same, ascertain, or cause to be ascertained, in such manner as they may deem best, the number of indigent persons in their respective counties entitled to relief under this act, and shall make an accurate return of the same to the Comptroller's office, on or before the first day of September, 1864, and a like return shall be made, by them on or before the first day of March, 1865, which return shall be made officially, by the Chief Justices or County Commissioners (when the Chief Justices fail, refuse or neglect to act,) and they shall certify that the return is a just, true and correct return of all the dependents of Texas officers and soldiers, entitled to relief under this act, who are indigent and supported in whole or in part by the County Court, and that only such are therein returned, which certificates shall be signed by the officer or officers making the same and attested by the seal of the Court, and shall be considered as under oath."

Sec. 2. That all laws and parts of laws, in conflict with this act, be repealed, and this Act take effect from its passage.

Approved May 28th, 1864.

CHAPTER XII.

An Act to furnish the Reporter of the Decisions of the Supreme Court Stationery.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Military Board of the State be authorized and required to furnish the Reporter of the Decisions of the Supreme Court with the stationery necessary to enable him to prepare the Decisions of said Court for publication.

Sec. 2. That this act take effect from and after its passage.

Approved May 28th, 1864.

CHAPTER XIII.

An Act to authorize the Governor to appoint certain officers to represent the interests of the State, and of the citizens and soldiers of the State, at the Head Quarters of the Trans-Mississippi Department, and at the Head Quarters of the District of Texas, New Mexico and Arizona.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Governor is authorized to appoint two persons, whose duty it shall be to keep the Governor advised of all matters of importance pertaining to the interests of the State, that may occur at the Head Quarters of the Trans-Mississippi Department and at the Head Quarters of the District of Texas, New Mex-

ico and Arizona; and to take in charge and represent the interests of the Soldiers and Citizens of Texas, having business at said Head Quarters.

Sec. 2. That the persons so appointed shall have the rank and pay of Colonels of cavalry in the Confederate States service, and shall be paid out of the appropriation made for the defence of the State by the Tenth Legislature.

Sec. 3. This act to be in force from and after its passage.

Approved May 28th, 1864.

CHAPTER XIV.

An Act to further provide the manner of proving a written will.

Section 1. Be it enacted by the Legislature of the State of Texas, That where the subscribing witnesses to a will are in the army, and beyond the limits of the State, said will may be probated, on proof, by two witnesses of the hand writing of the subscribing witnesses to said will, and also of the testator if he was able to write; which proof may be either by affidavit taken in open Court, and subscribed by the witness, or by deposition, and this act shall take effect from its passage.

Approved May 28th, 1864.

CHAPTER XV.

An Act making an appropriation to pay for Stationery and Lighting Materials purchased for the 10th Legislature.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of five hundred dollars in specie, or so much thereof as may be necessary, be, and the same is hereby appropriated, to pay for stationery and lighting material purchased for the use of the Tenth Legislature by Maj. S. Hart, said money to be paid on the presentation of the claim approved by the Secretary of State, Provided, that this appropriation may be paid out of any money subject to the control of the Governor or Military Board for any other purpose.

Sec. 2. That this act shall take effect and be in force from and after its passage.

Approved May 28th, 1864.

CHAPTER XVI.

An Act amending "An Act authorizing the Comptroller of the State to receive from Railroad Companies in this State the interest that may now be due, or hereafter become due on their Bonds."

Section 1. Be it enacted by the Legislature of the State of Texas, That the provisions of the Act, of which this is amendatory, shall not apply to Railroad Companies that fail or refuse to receive State Bonds or State Treasury Warrants at par for freight or passage, at the prices or rates established by law.

Sec. 2. That whenever satisfactory evidence is produced or furnished to the Comptroller of the State that any Railroad Company has failed or refused to receive the State Bonds or State Treasury Warrants at par, for freights or passage, at the rates established by law, he is required to refuse to receive the State Bonds or Treasury Warrants for the interest due by said Railroad upon its Bond.

Sec. 3. That the President of any Railroad in this State be, and is hereby required to post in a conspicuous place in the Railroad offices, and in the passenger cars, the provisions and terms of this act, under a penalty of one hundred dollars, to be recovered for the benefit of the State, by suit before any Court of competent jurisdiction upon the information of any party.

Sec. 4. That all laws or parts of laws conflicting with this act, be, and the same are hereby repealed, and that this act take effect from and after its passage.

Approved May 28th, 1864.

CHAPTER XVII.

An Act to make an additional appropriation for the support of the Lunatic Asylum for the years 1864 and 1865.

Section 1. Be it enacted by the Legislature of the State of Texas, That in addition to the unexpended balance of the appropriation made at the last regular session of the 10th Legislature, for the support of the Lunatic Asylum for the years 1864 and 1865, the further sum of one hundred and fifty thousand dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated for the support of said Asylum for the years 1864 and 1865.

Approved May 28th, 1864.

CHAPTER XVIII.

An Act to regulate the disposal of unappropriated Specie.

Section 1. Be it enacted by the Legislature of the State of Texas, as follows: Any unappropriated specie that may be in the Treasury, from time to time, on any account, shall not be paid nor withdrawn therefrom, except by specific appropriations therefor; and this provision is explanatory of laws making general appropriations.

Sec. 2. This act shall be in force from its passage.

Approved May 28th, 1864.

CHAPTER XIX.

An Act to regulate the manner of liquidating claims for payment under appropriations made by the Legislature.

Section 1. Be it enacted by the Legislature of the State of Texas, as follows: For liquidating the appropriations which have been or may be made by the Tenth Legislature of the State, for support during the years 1864 and 1865, of the civil departments of the Government of the State, and of families and other dependents of Texan officers and soldiers in military service of the State, and of the Confederate States of America, and for payment of the Adjutant and Inspector General, and the Quartermaster, and all employees of their Departments, and for the payment of the superintendents and employees of all public offices and works conducted by the State, and for the general support of the public asylums, the Comptroller shall draw Warrants on the Treasurer as prescribed by "An Act to repeal An Act authorizing unpaid Warrants to draw interest, approved February 14, 1860, and otherwise to regulate the issuance of Treasury Warrants, approved January 10, 1862, for want of appropriate funds for payment.

Sec. 2. For liquidating appropriations in general, except those specified in the first section, and those specifically providing for payment in specie, the comptroller shall draw Warrants on the Treasurer, payable in Confederate treasury notes of the new issue: Provided, when there shall not be such notes in the Treasury, such Warrants may be paid in Confederate Treasury notes of the old issue, at the rate of three dollars for two, or in bank notes at par, if the payee be willing so to receive payment.

Sec. 3. In the same manner, and to the same extent that Treasury Warrants in general may be receivable for public dues, under the laws now or here-

after providing therefor, the Treasury Warrants to be issued under the first section of this act, shall be receivable for all public dues, except those payable in specie by special provision of law; and in addition, after twelve months from ratification of a treaty of peace between the Confederate States of America and the United States of America, these Warrants may be funded in Bonds of the State, bearing interest at the rate of six per centum per annum, to be paid semi-annually, the interest and principal of the Bonds being payable in specie; but no Bonds shall be issued, nor tax assessed for the payment of interest or principal thereof, until the expiration of the term aforesaid.

Sec. 4. Whenever there shall be a surplus of specie in the Treasury, beyond special appropriations for such funds, subject to appropriations for general purposes, or for the purpose specified in this section, to the amount of thirty thousand dollars, the Governor shall cause the same to be applied to the purchase of Treasury Warrants, issued under the first section of this act, at the lowest prices offered, after advertisements for bids for six consecutive weeks in some three newspapers in the State, published at different places, and having large circulation.

Sec. 5. So far as any existing law may be incompatible with this act, such inconsistent law is suspended as to the subjects of this act, so that its provisions may be enforced as to its subjects without repealing the existing law as to other subjects.

Sec. 6. This act shall be in force from its passage.

Approved May 28th, 1864.

CHAPTER XX.

An Act to appropriate portions of the Specie Funds that have been or may be received from sales of Cotton belonging to the State.

Section 1. Be it enacted by the Legislature of the State of Texas, That in case there is not sufficient specie funds in the Treasury, accruing from sources now provided by law, to pay the interest on the Public Debt of the State, from time to time, when said interest becomes due, the Governor is authorized and required to use for the payment of said interest, such specie funds as he may have under his control, belonging to the State, accruing for the sale of State cotton, or otherwise, and required to take such steps and adopt such measures as will secure the payment of said interest promptly, as it becomes due.

Sec. 2. That after retaining in the Treasury a sufficient amount of specie, arising from the sale of cotton belonging to the State, to pay the interest on the Bonds of the State outstanding, from time to time, as it accrues, the remainder of the specie so acquired shall be applied to the purchase and liquidation of the Treasury Warrants of the State, authorized to be issued by the present session of the 10th Legislature, except so much as may be necessary to purchase arms and ammunition for the frontier organization; and all laws and parts of laws conflicting with this act be, and the same are hereby repealed.

Sec. 3. This act to take effect from and after its passage.

Approved May 28th, 1864.

CHAPTER XXI.

An Act making an appropriation for the Mileage and Per Diem Pay of the Members and the Per Diem Pay of the Officers of the Extra Session of the Tenth Legislature of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of fifty thousand dollars, or so much thereof as may be necessary, be, and

the same is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the mileage and per diem pay of the members, and the per diem pay of the officers, of the extra session of the Tenth Legislature.

Sec. 2. That the certificate of the Secretary of the Senate, and the certificate of the Chief Clerk of the House, shall be sufficient evidence to the Comptroller, upon which he shall audit the claims and draw his warrants upon the Treasury for the respective amounts.

Sec. 3. This act to take effect and be in force from and after its passage.

Approved May 28th, 1864.

CHAPTER XXII.

An Act to transfer the State Troops to the Confederate States service, and to repeal an Act entitled "An Act to provide for the defense of the State," approved December 16th, 1863.

Section 1. Be it enacted by the Legislature of the State of Texas, That an act entitled "an act to provide for the defense of the State," approved December 16th, 1863, be and the same is hereby repealed, and that the State troops, organized under said act be, and the same are hereby transferred to the military service of the Confederate States, to be organized in accordance with the laws of Congress; provided, that nothing herein contained shall be so construed as to turn over to the Confederate military authorities any officer of the State Government or other person not subject to conscription under the laws of Congress.

Sec. 2. That this act take effect from its passage.

Approved May 28th, 1864.

CHAPTER XXIII.

An Act to relinquish the right of the State to forty-seven hundred dollars, now in the hands of Colonel J. E. McCord, commanding the Frontier Regiment, the proceeds of sales of property, captured by said regiment from Indians while in the State service, and authorizing said McCord to hold said money as a hospital fund for said regiment.

Section 1. Be it enacted by the Legislature of the State of Texas, That the State of Texas hereby relinquishes all right and claim to the money, amounting to forty-seven hundred dollars, the proceeds of the sale of property, captured by the Frontier Regiment from the Indians, while in the service of the State, and that Col. James E. McCord, commanding said regiment, be, and he is hereby authorized to hold said money as a hospital fund for said regiment.

Sec. 2. That this act take effect from its passage.

Approved May 28th, 1864.

CHAPTER XXIV.

An Act to define and punish the unlawful interference with the exportation and transportation of Cotton, or other articles, and the unlawful impressment of property.

Section 1. Be it enacted by the Legislature of the State of Texas, That if any person or persons within this State, in any manner not sanctioned by a law of the Confederate Congress, shall establish, or attempt to establish, any restrictions, or impose any tax or duty upon the exportation or transportation of cotton, or other article, from the State of Texas, or shall unlawfully issue, purchase or sell any paper or instrument of writing, known as a permit to export cotton, shall be deemed guilty of an offence, and, upon conviction thereof, shall be punished by fine, in any sum not exceeding the value of the cotton or other

article so taxed, or embraced in such permit, or by confinement in the County jail, not exceeding one year: Provided, that parties who have in good faith, purchased exemptions for the transportation of cotton, and turned over to the military authorities of the Trans-Mississippi Department a portion of their cotton, to secure the same, where the same has been done previous to this act, shall not be held liable to the pains and penalties herein contained, for the use of the said permits, in conformity with the contract under which they were granted.

Sec. 2. If any person or persons shall in any manner, not sanctioned by law, impress or attempt to impress any property within the State of Texas, for any purpose whatever, or shall aid, assist, encourage, order or abet any person or persons so to do; or having impressed any property, shall fail or refuse to pay a just compensation for the same, or give such evidence of the impressment as required by law, such person or persons shall be deemed guilty of an offence, and, on conviction thereof, shall be punished by fine, not exceeding double the value of the property, and confinement in the County Jail for a period not exceeding one year, at the discretion of the Jury. And it shall be the duty of the Judges of the District Courts to give this act specially in charge to the Grand Jury.

Sec. 3. Prosecutions for offences, committed under this act, may be commenced in any county in which the offender is found, or in which such tax or restrictions are enforced, or attempted to be enforced.

Sec. 4. That in addition to the penalty imposed in the first section of this act, any person or persons, guilty of the offence therein defined, shall be liable to a civil action for damages, by any person affected thereby, to be prosecuted in any county where the plaintiff may reside, or if a non-resident plaintiff, in any county where the offence was committed, or the damage sustained.

Approved May 31st, 1864.

CHAPTER XXV.

An Act supplementary to "An Act to provide for the protection of the Frontier, and turning over the Frontier Regiment to the Confederate States service." Approved December 15th, 1863.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Governor of the State shall cause to be enrolled into the companies already organized within the Frontier Districts, all persons between the ages of seventeen and eighteen years of age.

Sec. 2. That should the Confederate military authorities authorize the withdrawal of the reserve corps from field and camps, and the persons in the State composing the reserve corps, be allowed by such authority to return to their homes, either permanently or temporarily, the Governor shall direct the same course to be pursued towards persons of like age in the frontier organization; provided, such persons shall hold themselves in readiness to repair to their respective companies when ordered.

Sec. 3. That, in each one of the Frontier Districts there shall be organized, under the direction of the Governor, a provost guard, to consist of not exceeding two companies of sixty-four men each, rank and file, for constant duty. That the companies so organized, shall be armed by the State, and shall be placed on the same footing as to pay, rations and everything else as Confederate State troops.

Sec. 4. That the pay of officers and privates of this organization, except that of the provost guards, while engaged in actual service, shall be the same as provided for in the act to which this is supplementary.

Sec. 5. That fractions of companies of less than twenty-five men may

be attached to and become parts of companies hereafter organized, and so much of the act, to which this is supplemental, as restricts companies to sixty-four men rank and file, is hereby repealed.

Sec. 6. That the Governor cause to be furnished to the commanding officers of the Frontier Districts such stationery, camp and garrison equipage, and transportation as may be actually necessary.

Sec. 7. That in addition to the oath heretofore required, the officers and men of this organization shall swear allegiance to the Confederate and State Governments, to obey the Constitutions and laws thereof, and to obey the orders of their superior officers.

Sec. 8. That in the event of an invasion, by the enemy, of any part of the frontier or of any portion of the State contiguous thereto, the Governor shall have authority to order out the entire force of this organization or any part thereof, for such length of time as he may judge necessary, to aid in repelling such invasion. In the event any such contingency should occur, and extraordinary expenditure be incurred, the same shall be paid out of the general appropriation made by the First Session of the Tenth Legislature for the defence of the State.

Sec. 9. That whenever the Governor deems it proper, he shall assign to duty within the limits of the Frontier District such of the State Brigadier-Generals as may be necessary, to make more efficient the frontier organization. When any such officer is so assigned to duty, he shall make his Headquarters within the limits of his command, at such point as will keep him in direct communication with all the forces of the frontier.

Sec. 10. This act shall be in force from its passage.

Approved May 31st, 1864.

JOINT RESOLUTIONS.

CHAPTER I.

Joint Resolution in regard to the manufacture of Salt.

Whereas, the Conscript Bureau of this Department has decided that Salt makers, between the ages of eighteen and forty-five years of age, are not entitled to details, under the operations of the recent Acts of Congress:

1. Be it resolved by the Legislature of the State of Texas, That Gen. E. Kirby Smith, commanding the Trans-Mississippi Department, be requested to grant details in the State of Texas, of such persons liable to conscription, as may be now, or hereafter, engaged as superintendents in the manufacture of Salt, to the extent of twenty bushels per day.

2. Resolved, That the Governor is hereby requested to furnish Gen. Smith with a copy of this resolution.

Approved May 20th, 1864.

CHAPTER II.

Joint Resolution.

Resolved by the Legislature of the State of Texas: 1st. That so soon as the Governor has assurances from Gen. Smith of the frontier organization of this State remaining undisturbed, it shall be his duty to cause all persons within the Frontier District, between the ages of eighteen and forty-five years, who were not residents of said district, prior to July, eighteen hundred and sixty-three, to be immediately turned over to the nearest Confederate military authority.

2d. That the Governor issue his proclamation forbidding the immigration to, and settlement in, any of the unorganized counties of this State; and after such proclamation, any person so offending, during the present war with the United States, shall become liable to conscription; and it shall be the duty of the officers of the frontier organization to arrest such persons, and turn them over to the Confederate States military authorities.

3d. That the Governor be required to take immediate steps to lay before Gen. E. Kirby Smith the late orders of the officers of the Bureau of Conscription, in regard to the enrollment and conscription of the frontier organization; and to ask of Gen. Smith that the said organization be left under the control and management of the State authorities; and, further, to request that all orders heretofore issued by the officers of conscription, in regard to the conscription of this organization, be withdrawn.

4th. That the Governor make such arrangements with Gen. Smith as he may be able to do, for the payment, subsistence, &c., of the frontier organization, provided the forces so organized are not to be withdrawn from the control of the Governor, and the officers appointed by him.

5th. That the Governor be authorized to make such other arrangements with Gen. Smith as will insure the harmonious and energetic action of the

Confederate military authorities and the officers of the frontier organization, whenever it may be necessary for them to act in conjunction.

Approved May 24th, 1864.

CHAPTER III.

Joint Resolution.

Whereas, information has been received of the destitute condition of many of our wounded and sick soldiers, citizens of Texas, now in the army of Arkansas and Louisiana: Therefore,

1. Be it resolved by the Legislature of the State of Texas, That the Governor is hereby authorized to send a commissioner to each of the above named States, with funds for the relief of all destitute, sick and wounded soldiers from Texas, now in the Confederate army, in the above named States.

2d. The Governor is hereby authorized to use such amount as may be necessary for the object to be attained by these resolutions, of the fund heretofore appropriated as the hospital fund.

3d. The commissioners, appointed by these resolutions, may not only be required to offer material aid to the said sick and wounded while in hospital, but may be authorized, in all proper cases, to furnish transportation to them to their respective homes.

Approved May 26th, 1864.

CHAPTER IV.

Joint Resolutions concerning the Acts of the Confederate Congress, to regulate impressments, and abuses under the same.

1st. Be it resolved by the Legislature of the State of Texas, That the Constitution of the Confederate States, having provided that "private property shall not be taken for public use, without just compensation," and the Constitution of this State having provided, that "no property shall be taken or applied to public use, without adequate compensation," it is believed by this Legislature, that the Congress of the Confederate States could not have intended, in the enactment of the acts, to regulate impressments, to cause to be paid to individuals, less than the fair and current market value of their property, seized for the use of the Government.

2. That the valuation of the property so seized, should be in the currency in which payment is made, and ought to be controlled by the fair value of the article seized, in the local market where the seizure is made.

3d. That the schedule of prices, heretofore published in this State, are notoriously below the market value of the articles set forth in such schedules, and compensation for the same, at those rates, is neither just nor adequate.

4th. That the uniform appraisement of every article, at the same price in every part of the State, or in districts of the State, thus disregarding the cost and consequent increased value which transportation adds to commodities, is manifestly unjust.

5th. That the first section of the original "Act to regulate impressments," authorized impressments of "forage, articles of subsistence, or other property," only when such articles are "absolutely necessary for the exigencies of the army in the field," and the seventh section of said act, exempted from impressment, all "property necessary for the support of the owner and his family, and to carry on his ordinary agricultural and mechanical business," yet these plain requirements of the law have been frequently and grievously violated by persons acting under color of authority of the Confederate States, as this Legislature is well informed.

6th. That in some sections of our country there is a great scarcity of bread-

stuffs, and other family necessities, and when efforts have been made to transport such articles, to supply such needful wants of our people, the teams and supplies have been unwarrantably impressed. This practice should be forbidden by positive law, or an imperative order from officers having the authority to correct the evil.

7th. That the Governor communicate these resolutions to the Confederate authorities.

Approved May 27th, 1864.

CHAPTER V.

Joint Resolution.

1st. Be it resolved by the Legislature of the State of Texas, That no officer of a sovereign State can be placed in the military service of the Confederate States, without his consent; that the claim of a right in Congress to conscribe certain classes of officers, is contrary to the theory of our Government, and if allowed will render the term of all officers subject to the action of Congress, and State officers will exercise their functions at the will and pleasure of Congress, and not under the Constitution and laws of their State.

2d. That the Governor of the State be and he is hereby authorized and requested to issue his proclamation, in accordance with the foregoing resolution, declaring that all civil officers, elected or appointed in accordance with the Constitution and laws of the State, are necessary to carry on the State Government, and are not liable to military duty in the Confederate States army.

Approved May 28th, 1864.

CHAPTER VI.

Joint Resolution.

Resolved by the Legislature of the State of Texas, That the Secretary of State be required to have published, with the volumes of the General Laws of this session, the Constitution of the State and of the Confederate States.

Approved May 28th, 1864.

CHAPTER VII.

Joint Resolutions requesting the return of the 1st, 4th and 5th Texas Regiments.

Whereas, The troops comprising the various companies, battalions and regiments of Texas, serving east of the Mississippi river have become, from long and arduous services, greatly reduced in number, and in many instances the organization being almost destroyed; And, whereas, this gallant soldiery have served their country with so much fidelity and uncomplaining firmness—

Therefore, be it Resolved. 1st. That our gratitude as a people is due the brave men who have so long represented Texas on the many battlefields of the revolution.

2d. That we mourn the death of those whose lives have been offered as willing sacrifices upon the altar of freedom.

3d. That we return our grateful thanks to those who still survive for their sacrifices and gallantry, and tender our assurances that the deeds of the living and the dead are appreciated in our heart of hearts, and will be enshrined there by a grateful people as long as there remains on earth, in the minds of men, admiration for deeds of heroism, devotion to country, and a love of liberty.

4th. That we most respectfully ask of our military authorities to permit the

various companies, battalions and regiments of Texas troops, east of the Mississippi river, to return home for the purpose of recruiting their decimated ranks, at such time and in such manner as will be prudent, when the public service will permit.

5th. That a copy of these resolutions be forwarded to the Secretary of War, and to the various Brigade Commanders of Texas troops, east of the Mississippi, by the Governor, at the earliest practicable moment.

Approved May 28th, 1864.

CHAPTER VIII.

Joint Resolution.

Be it resolved by the Legislature of the State of Texas, That, approving, as we do, the Legislation of Congress, tending to strengthen the effective force of the army, by requiring all clerks and employees, who are able to perform active military duty, to be placed in the ranks, and their places supplied by crippled soldiers, or persons unfit for active duty in the field, and though various military orders have been issued, to enforce the law of Congress upon the subject, we find the orders are disregarded.

Resolved further, That in the name and in behalf of the people of the State, we do most solemnly appeal to the authorities, to arrest the many flagrant violations of law and army regulations, so palpable to every observing man. If the confidence of the soldiers and people of the State be necessary, in this hour of peril and danger, it can only be held and maintained by changing the present course of proceedings. Put the stout and able men in the field, stop the extravagant and improvident use of the public property, put all but cripples out of an ambulance and four mules, with a white soldier driver; send experienced practical men to make improvements where necessary, and let the people feel and realize, that the cause in which we are engaged is common, demanding a hearty and willing co-operation of all.

Resolved, That the Governor cause a copy of the foregoing resolutions to be forwarded to Gen. E. Kirby Smith, and to Major General Magruder, commander of the District of Texas, New Mexico and Arizona, and to the commanders of the several Sub-Military Districts of the District of Texas and to our members in the Confederate Congress.

Passed May 28th, 1864.

CHAPTER IX.

Joint Resolution.

Resolved, by the Legislature of the State of Texas, That each and every member of the Legislature and officer now in attendance, may receive from the Military Board two pair of Cards each, upon the payment, to said board, of the cost and carriage upon the same: Provided such disposition of the Cards can be made without detriment to the pre-existing engagements.

Passed May 28th, 1864.

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THE STATE OF TEXAS, {
Department of State. }

I, Robert J. Townes, Secretary of State of the State of Texas, do certify that I have compared the foregoing Laws and Joint Resolutions of the Extra Session of the Tenth Legislature with the originals now on file in this Department, and that they are true copies of such originals.

I further certify that the Extra Session of the Tenth Legislature of the State of Texas, in compliance with the Proclamation of the Governor, assembled on Monday, the ninth day of May, A. D. 1864, and adjourned on the twenty-eighth day of May, in the same year.

In testimony whereof, I have hereunto signed my name, and caused the seal of the Department of State to be affixed, at Austin, this 20th of July,
[L. s.] A. D. 1864.

R. J. TOWNES,
Secretary of State.

SPECIAL LAWS
CALLED SESSION
TENTH LEGISLATURE.

SPECIAL LAWS.

CHAPTER I.

An Act to amend the first and second Sections of An Act entitled "An Act to incorporate the Rusk County Iron Company." Approved Dec. 15th, 1863.

Section 1. Be it enacted by the Legislature of the State of Texas, That the first section of the above recited act shall hereafter read as follows: to wit: "Sec. 1. That Wm. Davenport, W. W. Morris, Taylor Brown, William L. McMurray, R. W. McLane, A. S. Hayter, John Barham, John S. Buckner, W. W. Bell and W. Durham citizens of the State of Texas, their associates and successors be, and are hereby created a body corporate and politic, under the name and style of 'The Rusk County Iron Company,' with capacity to own property, real, personal and mixed, in such quantities as may be necessary for the legitimate purposes of this corporation, to make contracts, have a common seal, establish by-laws for its government, and in their corporate name to sue and be sued, grant and receive, and generally to do and perform such things and acts as may be essential and incident to the fulfillments of their objects, or the maintenance of their rights under this act, and not inconsistent with the Constitution of this State." That the second section of said act shall, hereafter, read as follows: "Sec. 2. That said company is hereby created with the right to erect, own, maintain, and carry on a manufactory of iron and steel, of every description whatever, and all other articles of which iron or steel form a part, at such place, or places, as said company may select in the county of Rusk, or elsewhere in the State of Texas."

Sec. 2. That this act take effect from its passage.

Approved May 23d, 1864.

CHAPTER II.

An Act, to Incorporate the Cherokee Furnace Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That R. F. Mitchell, G. S. Doty, T. L. Phileo, John B. Sydnor, J. C. Green, W. W. Ford and F. M. Hicks, citizens of the State of Texas, and B. E. Jones and G. W. Weatherford, citizens of the State of Louisiana, their associates and successors be, and are hereby created a body corporate and politic, under the name and style of the "Cherokee Furnace Company," with capacity to own property, real and personal, in such quantities as may be necessary for the legitimate object of this corporation, make contracts, have succession and a common seal, to make by-laws for its government, and in their own corporate name to sue and be sued, to grant and receive, and generally to do and perform such things and acts as may be necessary and proper for or incident to the fulfillment of their objects or maintenance of their rights under this act, not inconsistent with the Constitution of the State.

Sec. 2. That the said company is hereby created with the right to erect, own, maintain and operate a manufactory of iron and steel, of every description whatever, and all other articles of which iron and steel may form a part, at such place or places as said company may select within the county of Cherokee.

Sec. 3. The capital stock of said company shall be divided into shares of five hundred dollars each, and the holders of shares shall constitute said company, and said capital stock shall not exceed one million of dollars.

Sec. 4. The corporators mentioned in the first section of this act shall, within ninety days from its passage, cause an election to be held for a Board of Directors of not less than three, nor more than seven in number, who shall be elected by the Stockholders, at such time and place as may be appointed, and annually thereafter; Provided, that in case of failure to elect at the stated time, the Board of Directors incumbent shall continue in office until there be an election, the time of which shall be fixed by said Board, whereof notice shall be given as required by law governing other corporations. The corporators, under this act, shall be considered a Board of Directors until the first election of Directors has taken place.

Sec. 5. No person shall be eligible as a Director unless he is the owner of at least ten shares of stock of the company. The said Board shall elect a President from their number, fill vacancies until the next succeeding Stockholders' meeting, and appoint such officers as they may deem necessary, and require security for the faithful performance of their respective duties. They shall have power to prescribe the time and place for the payment of installment or assessment on stock; declare the forfeiture of stock for non-payment; and to do or cause to be done all other acts and things which they may deem necessary and proper in conducting the business of said company. They shall have the right to have located and surveyed such of the public land of this State, as may be necessary for the purpose of carrying into successful operation their manufactory, adjoining or contiguous to their place of operation, by paying to the State the price of one dollar per acre, or may, at their option, locate the same with certificates. A majority of the Board of Directors shall constitute a quorum for the transaction of business, but in no case shall a Director vote by proxy.

Sec. 6. This act shall take effect from its passage, and be in force for twenty-five years.

Approved May 23d, 1864.

CHAPTER III.

An Act to incorporate the Henderson Masonic Female Institute.

Section 1. Be it enacted by the Legislature of the State of Texas, That A. J. Smith, Wm. Stedman, Thomas A. Oliver, J. M. Dodson, William H. Estill, Bennett Boggees and John P. Grigsby, be, and they are hereby constituted a body corporate under the name of the trustees of the "Henderson Masonic Female Institute," situated in the town of Henderson, Rusk county, Texas; and by said name may sue and be sued; enact such by-laws and rules as may be necessary for their government; purchase and hold property; receive donations for the use of said Institute; have a common seal, and authority to confer, though the principle of said Institute, any and all literary honors and degrees upon all the students considered by the Faculty worthy to receive the same.

Sec. 2. That the rights and privileges herein granted shall extend to the Trustees herein named, and their successors, who shall be chosen by the members of Clinton Lodge, No. 23, F. & A. Masons, at such time as said Lodge may determine and the terms of office of the Trustees aforesaid, shall be at the will of said Lodge.

Sec. 3. That the election of the Principal, and other members of the

Faculty of said Institute, shall remain with said Lodge, or with such Committee as said Lodge may appoint for the purpose; and the term of office of any member of the Faculty of said Institute, shall be subject to the will and pleasure of said Lodge, or of the Committee specially entrusted by said Lodge with their selection.

Sec. 4. That the Trustees of said Institution, and their successors, shall have the right to elect such officers, from their own number, as may be deemed necessary for the transaction of their business.

Sec. 5. That diplomas, granted by virtue of the authority of this act, shall be signed by the Principal of said Institute, and attested by the Secretary of the Board of Trustees.

Sec. 6. That this act take effect from and after its passage.

Approved May 25th, 1864.

CHAPTER IV.

An Act to authorize and require the County Courts of Hunt and Tarrant Counties to examine, and, if necessary, to correct the assessment rolls of said Counties for the year 1864, so as to conform to the several laws of this State, in relation to the assessment and collection of ad valorem taxes.

Section 1. Be it enacted by the Legislature of the State of Texas. That the County Courts of Hunt and Tarrant Counties be, and are hereby authorized and required to examine, and, if necessary, correct the assessment rolls of said counties for the year 1864, so as to conform to the several laws of this State, in relation to the assessment and collection of an ad valorem tax; and, if deemed necessary by said courts, to order a new assessment for said year.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved May 25th, 1864.

CHAPTER V.

An Act to incorporate the Beaver Iron Manufacturing Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That N. A. Willett, John H. Morrison, George W. Stafford and G. G. Higgenbotham, and their associates and successors be, and they are hereby declared and constituted a body politic, under the name and style of the "Beaver Iron Manufacturing Company," with capacity to own property both real and personal; to make contracts; to have succession and a common seal; to make by-laws for its government; and, in its corporate name, to sue and be sued; to grant and receive, and generally to do and perform such acts and things as are necessary and proper for, and incident to, the fulfillment of its objects, or maintenance of its rights under this act, and consistent with the provisions of the constitution of the State of Texas; and to have and exercise all of the rights, privileges and immunities granted to other corporations of a like character.

Sec. 2. That the said company be, and is hereby established, with the right to erect, own, maintain and operate an Iron Manufactory, including all articles manufactured from pig or bar iron, or derivable from the ores of iron, separately or conjointly, at such place as said company has or may elect in the county of Anderson.

Sec. 3. That the business of said company shall be conducted by said corporators, and the liability of each member of said company shall be only co-extensive with the amount of stock, held or owned by him in the business.

Sec. 4. That the capital stock of said company shall consist of the amount taken, or which may be taken, by said members, their associates and successors.

Sec. 5. That this charter shall expire at the end of ten years from this date.

Sec. 6. That this act take effect and be in force from and after its passage.

Approved May 25th, 1864.

CHAPTER VI.

An Act to suspend the levy and collection of a Special Tax by the County Court of Comal County, until one year after the close of the War between the Confederate States and the United States.

Section 1. Be it enacted by the Legislature of the State of Texas, That the act entitled "An Act to authorize the County Court of Comal County to levy a Special Tax, approved February 8th, 1860," is hereby suspended until one year after the close of the war between the Confederate States and the United States.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved May 25th, 1864.

CHAPTER VII.

An Act to incorporate the "Dallas Manufacturing Company."

Section 1. Be it enacted by the Legislature of the State of Texas, That A. J. Cornett, Ed. C. Browder, John S. Ballard and T. E. Sherwood and their associates be, and they are hereby incorporated a body corporate under the name and style of "The Dallas Manufacturing Company," for the manufacturing of woolen and cotton goods, spinning of thread and other fabrics for home and public use, and to do and perform all other things necessary for the successful prosecution of the business and objects of said association; to own and hold real and personal property; to sue and be sued; to plead and be impleaded, and to take all other legal ways and means to carry out the objects of said association.

Sec. 2. That the Capital Stock shall not exceed two hundred thousand dollars, which may be invested in machinery, fixtures, and in any way best calculated to insure the successful prosecution of the business of said Company. Said manufactory shall be located in the town of Dallas, Dallas County, Texas. The parties named and appointed by this act are hereby invested with the rights and powers of Directors until Directors may be chosen or elected by the stockholders hereafter.

Sec. 3. That when sixty thousand dollars of the capital stock is subscribed on the books of the Company, the Directors shall proceed to organize said Company by calling the stockholders together and dividing the capital stock into shares of one hundred dollars each. Each share will entitle the holder to one vote by himself or proxy. Any stockholder may transfer his or her share or shares of stock, in writing, properly attested.

Sec. 4. That the government of the affairs of said Company shall be vested in a Board of four Directors, a majority of whom shall constitute a quorum to do business. The stockholders shall elect one of their number President of said Company. The Directors shall give at least ten days' notice to each stockholder of the time and place of election for President and new Directors, who shall hold their office for two years and have the power to fill, by appointment, any vacancy that may occur in said Board, until the next regular election. They shall also have power to appoint such other officers, for said Company, as they may find to be necessary, and may require bonds and security for the faithful performance of their several duties. The books of said Company shall be open to the inspection of the stockholders at all times.

Sec. 5. That any stockholder failing or refusing to pay in his stock or any instalment, after ninety days' notice from the Directors, without good cause shown, said stock shall be forfeited to the Company, together with all instalments previously paid. No stockholder shall be liable for any debt or liability of said Company for more than the amount of stock subscribed by him.

Sec. 6. That the rights, powers, privileges and immunities hereby granted and conferred under this act, shall remain in force for the term of twenty-five years.

Sec. 7. That this act shall take effect from and after its passage.

Approved May 26th, 1864.

CHAPTER VIII.

An Act for the relief of Robert Pulsford.

Section 1. Be it enacted by the Legislature of the State of Texas, That Robert Pulsford, of the Kingdom of Great Britain, be and he is hereby relieved from the disability of alienage, so far as to permit him to hold by conveyance a certain interest in the John R. Harris and John Brown leagues of land, in Harris county, and for the purpose of receiving and securing the same, and of disposing and conveying said land, he is hereby vested with all the rights and privileges of a citizen of this State.

Sec. 2. That this act take effect from and after its passage.

Approved May 26th, 1864.

CHAPTER IX.

An Act to Incorporate the "Trinity Mills Manufacturing Company."

Section 1. Be it enacted by the Legislature of the State of Texas, That Frank M. Wigginton, Ward H. Witt and Richard B. Murphy, and their associates, be and they are hereby incorporated a body corporate and politic, under the name and style of the "Trinity Mills Manufacturing Company," for the manufacture of woolen and cotton goods, spinning of thread and other fabrics for home and public use, and to do and perform all other things necessary for the successful prosecution of the objects of said association, to own and hold personal property, and such real property as may be necessary for the use of the Company in the erection of buildings and carrying on the business of the Company, and such lands as said Company may receive from the State, under the provisions of "An Act to encourage the erection of certain machinery by donation of land and otherwise, approved December 15th, 1863;" and in all suits and legal process against this Corporation, it shall be sufficient to make service as in other cases upon the President, or to leave a copy of the citation and petition at the usual place of the Corporation for doing business.

Sec. 2. That the capital stock shall not exceed two hundred thousand dollars, which may be invested in machinery, fixtures, and in any other way best calculated to insure the successful prosecution of the business of said Company. Said manufactory to be located at the Trinity Mills, in Dallas County, Texas. The parties named and appointed in this act are hereby invested with the rights and powers of directors until directors may be elected or chosen by the stockholders.

Sec. 3. That when one hundred thousand dollars of the capital stock is subscribed on the books of the Company, the Directors shall proceed to organize said Company by calling the stockholders together and dividing the capital stock into shares of one hundred dollars each, and each share will entitle the holder to one vote by himself or proxy. Any stockholder may transfer his or her stock, in writing, properly attested.

Sec. 4. That the government of the affairs of said Company shall be vested

in a Board of three Directors, a majority of whom shall constitute a quorum to do business. The stockholders shall elect one of their number President of said Company. The Directors shall give at least ten days' notice to each stockholder of the time and place of election for President and Directors, who shall hold their office for two years, and have the power to fill, by appointment, any vacancy that may occur in said Board, until the next regular election. They shall also have the power to appoint such other officers for said Company as they may find to be necessary, and may require bonds and security for the faithful performance of their several duties. The books of said Company shall be open to the inspection of the stockholders at all times.

Sec. 5. That any stockholder failing or refusing to pay in his stock or any instalment after ninety days' notice from the Directors, without good cause shown, said stock shall be forfeited to the Company, together with all instalments previously paid. No stockholder shall be liable for any debt or liability of said Company for more than the amount of stock subscribed by him.

Sec. 6. That the rights, powers, privileges and immunities hereby granted and conferred under this act shall remain in force for the term of twenty years.

Sec. 7. That this act take effect from and after its passage.

Approved May 26th, 1864.

CHAPTER X.

An Act to incorporate "The Star State Machine and Manufacturing Company."

Section 1. Be it enacted by the Legislature of the State of Texas, That A. M. Gentry, Ralph Hooker, Samuel G. Powell, Geo. H. Bringhurst and Sam'l Myers and their associates and successors be, and the same are hereby declared and constituted a body corporate and politic, under the name and style of "The Star State Machine and Manufacturing Company," with capacity to contract, own and maintain such real and personal estate as may be necessary for the prosecution of its business and carrying into effect the object of its organization, at such place or places in the State of Texas as it may determine, to make contracts, to have succession and a common seal, to make by-laws for the government and regulation of its affairs, to sue and be sued, to sell, alienate and transfer its property and products, and generally to do and perform all such acts and things as it may be necessary and proper for the fulfillment of its objects, or the maintenance of its rights under this act, and consistent with the Constitution of this State.

Sec. 2. That said company is hereby created with the right to erect, own, maintain and operate manufactories and spinning jennies, looms, knitting machines, cotton and wool cards, and all such manufacturing and other machinery and implements as the necessities of the country may require, together with the right to manufacture all articles of cotton, wool, wood or metals or other substances, the materials of which are the products of the State of Texas, that may be required by the Confederate, or State Governments, or the people at large.

Sec. 3. The capital stock of said company shall be divided into shares of one hundred dollars each, and the holders of said shares shall constitute the company, and the capital stock shall be limited to five millions of dollars.

Sec. 4. The business of said company shall be conducted by a Board of Directors of not less than three nor more than five, to be chosen by the stockholders annually. After the first election the said Directors shall elect a President from among their own number, who shall be the chief executive officer of the company, and upon whom all legal service may be made at the principal office of the company, which shall be considered its domicile.

Sec. 5. The Board shall elect or appoint other such officers and agents as it may deem necessary, and exact security for the faithful performance of their duties; fix the time for payment of all instalments upon subscription to

the stock, to declare forfeitures of stock for non-payment, and a majority of the Board shall constitute a quorum for the transaction of business.

Sec. 6. That the parties (or a majority of them) named in the first section of this act, are hereby invested with the right and authority to organize said company, whenever one hundred thousand dollars of the capital stock shall have been subscribed and twenty-five per cent. thereof paid in cash, and that this act shall expire at the expiration of twenty years from its passage.

Sec. 7. That no person shall be eligible to the office of Director, who shall not be the holder of at least ten shares of the capital stock; each share shall entitle the owner thereof to one vote in person or by proxy, and the shares shall only be transferable in such manner as may be prescribed by the by-laws, and shall be deemed personal property.

Sec. 8. This company shall be entitled to the benefits of any laws which have heretofore been, or may hereafter be, passed by the Legislature of this State, to encourage the erection of machinery or manufactories by donations of land or otherwise.

Sec. 9. This company shall have put in operation some of its machinery for the manufacture of gowns or socks, drawers and shirts, or have manufactured and offered for sale to the Government or people on or before the first day of January, 1865, or this charter shall be null and void, otherwise to be in full force and effect.

Sec. 10. That this act take effect and be in force from and after its passage.

Approved May 28th, 1864.

CHAPTER XI.

An Act to incorporate "The Falls of Brazos Manufacturing Company."

Section 1. Be it enacted by the Legislature of the State of Texas, That Churchill Jones and his associates are hereby created a body corporate and politic under the name and style of "The Falls of Brazos Manufacturing Company," with capacity in said corporate name to make contracts, to have succession and a common seal, to make by-laws for the government and regulation of its affairs, to sue and be sued, to plead and be impleaded, to grant and receive, and do and perform all such acts and things as may be necessary and proper for or incident to the fulfillment of its obligations or the maintenance of its rights under this act and consistent with the Constitution.

Sec. 2. Said company is hereby invested with the right, power and authority to erect, own, establish, maintain and operate a cotton and woolen manufactory, grist, saw and flouring mill or mills in the County of Falls, at or near the falls of the Brazos river, or at such place as they may designate, with a capital stock of one hundred thousand dollars, to be invested in the purchase of lands, buildings, machinery, mills, looms, spindles, &c., with the right to erect such buildings and establish such mills and shops as may be necessary to the success of said company, and to invest so much of the capital stock in negroes, cotton, wool, and other goods, as said company may deem expedient in the prosecution of said enterprise.

Sec. 3. That the said Churchill Jones and his associates, so soon as thirty thousand dollars is subscribed and paid in, may proceed to organize said company, calling the stockholders together for that purpose; the capital of said company to consist of all its property, real and personal, franchises and rights to property, and shall be divided into shares of one hundred dollars each, each share entitling the owner thereof to one vote, by himself or proxy, at all the meetings of said company; said shares shall be deemed personal estate and shall be transferable by any conveyance in writing, recorded by the Treasurer or Secretary in a book kept for that purpose, or in such other manner as the by-laws of the company shall provide.

Sec. 4. The government of the affairs of the company shall be vested in a

Board of Directors, to consist of three persons, who shall elect one of their number President of said company: Provided, no person shall be eligible to the office of Director unless he is the owner of three or more shares of the stock of said company. The directors shall be elected for one year, and shall have power to fill all vacancies of any and every kind, and may appoint or elect a Secretary, Treasurer, Superintendent, and such other officers and agents as they may think necessary, and require bond for the faithful performance of their duties. They shall also have the right to pass and adopt all needful by-laws and regulations for the conduct of their business, and shall cause to be kept accurate records of all meetings of the Board of Directors of said company, which records shall at all times be open to the inspection of the stockholders of said company, together with such other books as may be necessary to show at all times the amount of expenditures, receipts and disbursements of said company.

Sec. 5. The Board of Directors shall be convened by the President, who shall preside at all meetings of the Board, and in his absence a President pro tem. shall be appointed by the directors, and all conveyances, contracts, sales or purchases, together with other business operations of the company, shall be signed by the President, countersigned by the Secretary or Treasurer, as the company may direct, and under seal of the company.

Sec. 6. Any agreement in writing, by which any person or persons shall become a subscriber to the stock of said company, may be enforced against him according to its terms, and if any subscriber shall fail to pay his stock or any instalment thereon within ten days from the date said instalment is required to be paid, the directors may sell at auction and transfer to the purchaser the share or shares of such delinquent, and if the proceeds of sale shall not be sufficient to pay the amount due on said subscription, with interest and charges thereon accruing, such delinquent shall be held responsible and liable for the remainder due the company, and if the proceeds shall exceed the amount due the company, said delinquent shall be entitled to the surplus.

Sec. 7. Said company may acquire real estate by purchase or donation, which real estate may form a part of the capital stock of said company, which may be disposed of to aid in the construction of said manufacturing mills, &c.: Provided, nothing in this act shall be so construed as to confer banking powers or privileges.

Sec. 8. The rights, powers, privileges and immunities hereby granted, shall be and remain in force for twenty years from and after the passage of this act.

Sec. 9. Each subscriber who may invest capital in the stock of the Falls of Brazos Manufacturing Company, and be a holder of the same, shall at all times receive the dividend due him when declared, if any: Provided, the directors may, if they deem it proper, invest said dividends in extending and enlarging their manufacturing operations.

Sec. 10. No stock or shareholder shall be responsible or liable for any debts or contracts made or entered into by the President or any agent of said company, not within the legitimate and bona fide business of said company, but shall be liable in proportion to the amount of his or her stock only for the bona fide debts of said company, in prosecuting the works, and carrying into effect the true interest and intentions of the company, in accordance with the provisions of this act, and said liabilities shall be assessed, adjudged and collected in the event of failure, dissolution or loss pro rata upon each stockholder, in proportion to the amount of stock subscribed and paid, and the stock book of said company shall be the criterion by which the liability of each stockholder shall be arrived at.

Sec. 11. This act shall take effect and be in force from and after its passage.

Approved May 28th, 1864.

CHAPTER XII.

An Act for the Relief of Indigent Families of Calhoun, Refugio, San Patricio and Nueces Counties.

Section 1. Be it enacted by the Legislature of the State of Texas, that the provisions of an act entitled "An Act to donate a part of the State and County Taxes of Galveston County, for the year 1863, and during the continuance of the present war, to that county for the relief of the indigent families of the County of Galveston," shall be, and the same is extended to Calhoun, Refugio, San Patricio and Nueces Counties.

Sec. 2. That this act take effect and be in force from and after its passage.
Approved May 28th, 1864.

CHAPTER XIII.

An Act for the relief of Lieut. W. H. Cochran, A. A. C. S., of the Mounted Regiment, T. S. T.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Adjutant and Inspector General of the State of Texas, be and he is hereby authorized and required to pass and approve, if found correct, the accounts of Lieut. W. H. Cochran, A. A. C. S., Mounted Regiment T. S. T., for subsistence stores issued by order of Capt. H. T. Edgar, to the indigent families of soldiers of said regiment, in the County of Uvalde, between the first day of November, 1863, and the twenty-ninth day of February, 1864, amounting in value to the sum of three hundred and ninety-three dollars and forty-three cents.

Sec. 2. The amount so allowed shall be certified to the Comptroller's office, and deducted from the appropriation for the support of soldiers' families due said county, and this act shall be in force from and after its passage.

Approved May 28th, 1864.

CHAPTER XIV.

An Act to Incorporate the "Independence Manufacturing Company."

Section 1. Be it enacted by the Legislature of the State of Texas, That John McKnight, Albert G. Haynes and Willett Holmes, and their associates and successors be and they are hereby incorporated a body politic and corporate under the name and style of the "Independence Manufacturing Company," and by that name may sue and be sued, plead and be impleaded in any of the courts of this State, to hold real and personal estate, to sell and convey the same or any part thereof, to contract and be contracted with, and to perform all other acts and things necessary for the successful prosecution of the objects of the association; provided, however, the said corporation shall not acquire or hold more real estate than is necessary for the purposes of said corporation in carrying on their corporate business.

Sec. 2. Said Company may manufacture cotton and woollen goods, woollen rolls and any other fabrics and articles, for home and public use, said Company may at any time choose to manufacture.

Sec. 3. The capital stock of said Company shall not exceed the sum of two hundred thousand dollars, to be divided into shares of one hundred dollars each, and may be invested in any manner best calculated to insure the successful prosecution of the business of the company.

Sec. 4. When fifty thousand dollars shall be subscribed, the stockholders may elect not less than three nor more than five Directors who shall hold their office for one year, and until their successors are elected and qualified. Said Directors may proceed to elect a President from among their number, who shall

hold his office for the term of one year. They shall also have power to appoint such other officers as they may find necessary, and require bonds for the faithful performance of their respective duties.

Sec. 5. The Board of Directors shall be convened by the President, who shall preside at all meetings of the Board and stockholders, and in his absence a President pro tem. may be elected.

Sec. 6. That this act shall continue in force for and during the term of twenty years from its passage.

Approved May 23th, 1864.

CHAPTER XV.

An Act to incorporate "The Texas Copper Manufacturing Company."

Section 1. Be it enacted by the Legislature of the State of Texas, That D. B. Culberson, M. D. K. Taylor, Wm. R. Shannon, H. C. Lyon, Wm. De Ryee, and E. Pendleton, and their associates and successors, be and the same are hereby declared and constituted a body politic under the name and style of "The Texas Copper Manufacturing Company," with capacity to own property, both real and personal; to make contracts; to have succession and a common seal; to make by-laws for its government, and in its corporate name to sue and be sued; to grant and receive, and generally to do and perform such acts and things necessary and proper for, and incident to, the fulfillment of its objects, or maintenance of its rights under this act, and consistent with the provisions of the Constitution of the State of Texas.

Sec. 2. That the said Company be and is hereby established with the right to erect, own and operate a Copper, Iron, Sulphur and Saltpetre Manufactory at such place or places as said Company may elect.

Sec. 3. That the Capital Stock of said Company shall be divided into shares of one hundred dollars each, and the holders of said shares shall constitute said Company; and said Capital Stock shall not exceed one hundred thousand dollars.

Sec. 4. That the affairs and business of said Company shall be conducted by a Board of Directors, not less than three nor more than five, who shall be elected by the stockholders at their organization, under this act, and annually thereafter; Provided, that in case of failure to elect at the stated time or times that the Board of Directors incumbent shall continue in office until there be an election, the time for which may be fixed by said Board; of which reasonable notice shall be given.

Sec. 5. No person shall be eligible as a Director unless he be a member of the Company. The said Board shall elect a President from their number, fill vacancies and appoint such officers as they may deem necessary, and require security for the faithful performance of their respective duties, and to do generally, or cause to be done, all other acts and things which they shall deem proper in conducting the affairs of said Company. A majority of the Board of Directors shall constitute a quorum to do business.

Sec. 6. That the parties named in this act are hereby appointed Commissioners and invested with the right of organizing said Company, and that this charter shall expire at the end of twenty-five years from the passage of this act, and for that period the Commissioners, or their associates and successors, shall have the right to work and operate any mine or mines, ore or ores, reserved to the State, free from charge, let or hindrance on the part of the State of Texas, and may, for the purpose of operating such manufactory, use, free from charge, such timber or coal, from public lands of the State, as may be necessary for said purpose.

Sec. 7. That this act take effect from its passage.

Approved May 28th, 1864.

CHAPTER XVI.

An Act to Incorporate the "San Marcos Cotton and Woolen Manufacturing Company."

Section 1. Be it enacted by the Legislature of the State of Texas, That Wm. K. Little, L. M. Spencer and L. J. Timmes, and their associates and successors, are hereby created a body corporate and politic by the name of the "San Marcos Cotton and Woolen Manufacturing Company," with power to sue and be sued, pled and be impleaded; to acquire, hold and convey personal property and such real estate as may be necessary to carry out the purposes of the corporation; to have succession and a common seal and to do such other things as are necessary to carry out the purposes of this act.

Sec. 2. That the said company be and is hereby established with the right to erect, own and operate machinery and buildings on the San Marcos river, for the manufacture of cotton and woolen goods and such other articles as said company may at any time choose to manufacture.

Sec. 3. That the capital stock of said company shall be divided into shares of one thousand dollars each, and the holders of said shares shall constitute said company, and said capital stock shall not exceed two hundred thousand dollars.

Sec. 4. That the affairs and business of said company shall be conducted by a Board of Directors, not less than three nor more than five, composed of the stockholders; a majority of said Board of Directors shall constitute a quorum to do business, and shall continue in office until there be an election, the time for which may be fixed by said Board.

Sec. 5. That the parties named in this act are hereby invested with the right to export cotton for the purchase of cotton and woolen machinery necessary for said manufactory, according to law.

Sec. 6. That the members of said company shall be entitled to the benefits of any bonus, loan or other benefits, that may be granted to companies or individuals, who engage in the manufacture of similar goods, by any law passed by the Legislature.

Sec. 7. That the parties named in the first section of this act are hereby invested with the right to organize said company and may enact such by-laws for their government as they may, from time to time, deem necessary and proper, and shall have all such rights and privileges as are by law incident to or necessary for corporations of this character.

Sec. 8. That this act take effect from and after its passage and continue in effect for a period of twenty years.

Approved May 28th, 1864.

CHAPTER XVII.

An Act to Incorporate "The Comal Springs Manufacturing Company."

Section 1. Be it enacted by the Legislature of the State of Texas, That Joseph Landa and his associates and successors, be and they are hereby constituted and declared to be a body corporate and politic, under the name and style of "The Comal Springs Manufacturing Company," with power to sue and be sued, plead and be impleaded, to acquire, hold and convey personal property, and such real property as may be necessary for the erection of buildings and carrying on the manufacturing business, as herein provided, and such land as they may become entitled to under an act granting bounties to manufacturing companies, to have succession and a common seal, and to do and perform all such acts and things as may be necessary to carry out the purposes of this act consistent with the Constitution of the State of Texas.

Sec. 2. That the said company be and is hereby established, with the right to erect, own, maintain and operate establishments for the manufacture of cot-

ton and woollen goods, or such other articles for home or public use, separately or conjointly, as said company may at any time choose to manufacture, at or near the city of New Braunfels, in Comal county.

Sec. 3. The capital stock of said company shall consist of shares of five hundred dollars (\$500) each, or any less amount, not exceeding the sum of eight hundred thousand dollars, and the shareholders shall make by-laws for the government of the affairs of the company, and create such board of management as they think proper.

Sec. 4. That this act take effect and be in force from and after its passage, and remain in force for twenty years.

Approved May 28th, 1864.

CHAPTER XVIII.

An Act to Incorporate "The Cairo Manufacturing Company."

Section 1. Be it enacted by the Legislature of the State of Texas, That William Keigwin, Marshal T. Patrick, George Patrick and William B. Middleton, their associates and successors, be and are hereby constituted a body politic and corporate, under the name and style of "The Cairo Manufacturing Company," with capacity to hold personal property and such real property as may be necessary to carry out the objects of the Corporation, and also the land granted as a bonus, and the capital stock of said company shall not exceed three hundred thousand dollars; to make contracts, to have succession, a common seal, to make by-laws for its government, and in its corporate name to sue and be sued, to grant and receive, and generally to do and perform such acts and things as may be necessary and proper for, or incident to, the fulfillment of its object or the maintenance of its rights under this act, and not inconsistent with the constitution and laws of this State.

Sec. 2. That this company be and is hereby established, with the right to erect, own, maintain and carry on an establishment for the manufacturing of flour, wool rolls, cotton thread and cloth, on Boggy Creek, near the town of Cairo, on the Trinity river, in Leon county.

Sec. 3. That this company shall conduct the operations of said manufactory in such manner and form as shall be consistent with the general laws of the State, and shall be entitled to all privileges and benefits in any wise belonging to such corporations as resulting from such laws.

Sec. 4. This charter shall continue for twenty years, and shall be subject to future amendments upon application of a majority of the company to the Legislature.

Sec. 5. That this act take effect and be in force from and after its passage.

Approved May 28th, 1864.

CHAPTER XIX.

An Act to Incorporate the "Comal County Mutual Aid Association."

Section 1. Be it enacted by the Legislature of the State of Texas, That the officers and members of the Comal County Mutual Aid Association, as now organized, be and they are hereby constituted a body corporate and politic, under the name and style of the "Comal County Mutual Aid Association," and be that name they and their successors and associates shall have all the ordinary privileges of a corporation, not contrary to the constitution and laws of the State of Texas, for the carrying on and conducting of a general mercantile establishment and for the purposes herein stated.

Sec. 2. The said Association shall furnish necessaries for its members, for families, and other dependents of officers and soldiers who are or may be hereafter in the service of the Government of the Confederate States of America, or who

may have died or been disabled in said service, at prices which shall not exceed the aggregate of cost and twenty-five per centum thereon, and for accomplishing said objects the association may trade in any suitable manner.

Sec. 3. The capital stock of said company may be one hundred thousand dollars, or any less amount, in shares of thirty dollars, or any less amount, as the association may determine, and no stockholder shall be liable for any debt or liability of said association for more than the amount of his share or shares.

Sec. 4. That this act take effect and be in force from and after its passage.

Approved May 26th, 1864.

CHAPTER XX.

An Act for the Relief of Robert Robsen.

Whereas, On the 7th day of February, 1861, an annuity contract was entered into between Robert Robsen and Robert H. Tobin, by the terms of which the said Robsen sold and conveyed to the said Tobin all the property, real, personal and mixed, amounting in value to about the sum of \$80,000, and thereupon delivered up to said Tobin the possession and control of said property, with a small reservation of some favorite property.

The consideration to be paid by Tobin to Robsen was the annual and prompt payment of the sum of \$9000, on the 1st day of January of each year, during the life time of the said Robsen, who was then an old and infirm man.

And Whereas, The said Tobin has retained the possession of said property, but has totally failed, up to the present time, to make any payment, as stipulated in said contract, and has thus left the said Robsen without any means of support. Now, therefore,

Section 1. Be it enacted by the Legislature of the State of Texas, That the above recited contract shall not be embraced within the class of contracts for the payment of money specified in the act known as the Stay Law, suspending all laws for the collection of debts, approved Dec. 2d, 1863, or the supplementary act, approved Dec. 16th, 1863, and nothing therein contained shall restrain any court of competent jurisdiction from hearing and proceeding to trial and judgment in any action that has been or may be brought to enforce the annual payments under said contract.

Sec. 2. This act shall take effect and be in force from its passage.

Approved May 28th, 1864.

CHAPTER XXI.

An Act to Incorporate the "Tyler County Card and Machine Factory."

Section 1. Be it enacted by the Legislature of the State of Texas, That J. H. McKinney, T. L. Clark, and L. G. Clark, of Tyler County, and their associates and successors, be and are hereby declared and constituted a body politic and corporate, under the name and style of the "Tyler County Card and Machine Factory, with capacity to own property, both real and personal, to make contracts, to have succession and a common seal, to make by-laws for its government, and in its corporate name to sue and be sued, and generally to do and perform such acts as are necessary and proper to carry out the objects of this act, which are not inconsistent with the constitution and laws of the State of Texas.

Sec. 2. That said corporation shall have the right to erect all such buildings and machinery as may be necessary to manufacture the machinery for the manufacture of cotton and woolen cards, and also to manufacture cotton and woolen cards.

Sec. 3. The capital stock of said corporation shall not exceed three hundred

thousand dollars, and the value of real estate which may be held or owned by said corporation shall not, at any time, exceed fifty thousand dollars in value.

Sec. 4. The affairs and business of said corporation shall be managed by a board of directors, who shall be elected by the stockholders at their organization, under this act, and annually thereafter, and in case of failure to elect at the stated time, the incumbents shall hold on until their successors are elected. The said board shall consist of not less than three stockholders, who shall elect a President from their own number, and a majority of said board shall constitute a quorum to do business.

Sec. 5. The parties named in this act are hereby appointed commissioners to organize said corporation under this act. The privileges herein granted shall not be extended beyond twenty-five years from the passage of this act.

Sec. 6. This act shall take effect from its passage.

Approved May 28th, 1864.

CHAPTER XXII.

An Act to Incorporate the "Guadalupe Manufacturing Company."

Section 1. Be it enacted by the Legislature of the State of Texas, That M. T. Johnson, John S. Slaughter, William Misseiger, of the county of DeWitt, State of Texas, their associates and successors, be and they are hereby created a body corporate and politic, under the name and style of the "Guadalupe Manufacturing Company," with capacity to hold personal property, and such real property as may be necessary for the erection of buildings and carrying on the business of the corporation as herein indicated, and that all land that may be donated by the State to this corporation, to make contracts, have a common seal, establish by-laws for its government, and in their corporate name to sue and be sued, to grant and receive, and generally to do and perform such acts as may be necessary for the fulfillment of the objects of this corporation and the maintenance of their rights under this act, and not inconsistent with the constitution of this State.

Sec. 2. That the said company are hereby created with the right to own, erect, maintain and carry on, a factory for the manufacture of cotton and wool rolls, and cloth of any and all kinds. That said company shall also have the privilege of running in connection with said factory a grist flouring mill, when it does not conflict with the successful operation of the manufacturing department.

Sec. 3. The capital stock of said company shall not exceed five hundred thousand dollars, to be divided into such shares as the company may decide necessary.

Sec. 4. When one hundred thousand dollars are subscribed, the stockholders may proceed to elect two or more directors, who shall hold their offices for the term of two years; said directors shall proceed to elect one of their number President, who shall hold his office for and during the term of two years.

Sec. 5. That when suit shall be brought against the company, it shall be sufficient to execute process against the President, either in person or by leaving a copy at the office of the company, with some white person, attached to the company, over the age of eighteen years.

Sec. 6. Be it further enacted, That this act shall continue in force from and during the term of twenty years from its passage.

Approved May 28th, 1864.

CHAPTER XXIII.

An Act to authorize the issuance of Rations to certain employees in the Cap Factory.

Section 1. Be it enacted by the Legislature of the State of Texas, That the State Quartermaster be and he is hereby authorized to procure supplies and to

issue rations to all females and males, under 16 years of age, that are now or may hereafter be employed in making percussion caps at the city of Austin: Provided, that he shall issue only in such quantity to each as is allowed a soldier in the Confederate States army, and that the rations so issued shall comprise such part of wages as may be agreed to between the State Quartermaster and Superintendent of the Cap Factory, with the sanction of the Military Board.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved May 28th, 1864.

CHAPTER XXIV.

An Act to authorize the County Court of Caldwell County to levy and collect an ad valorem tax in specie to support the families and other dependents of soldiers.

Section 1. Be it enacted by the Legislature of the State of Texas, That the County Court of Caldwell County, is authorized and empowered to levy and collect an ad valorem tax in specie to raise funds to support the families and other dependents of soldiers who are a charge upon said county, not to exceed one-half of one per cent, upon the value of the property taxed.

Sec. 2. That said Court may appoint an Assessor and Collector to make the necessary assessment, and to collect the taxes to be raised under the provisions of this act, under such regulations as may be adopted by said Court.

Sec. 3. That this act be in force and effect from and after its passage.

Approved May 28th, 1864.

CHAPTER XXV.

An Act for the relief of the minor heirs of the late John D. Stell.

Section 1. Be it enacted by the Legislature of the State of Texas, That the legal representatives of the late John D. Stell, be and the same are hereby authorized to sue for and collect so much of the interests due upon notes and bonds due them, as may be by the proper authorities declared necessary for the maintenance and education of the said minor heirs of the said John D. Stell.

Sec. 2. All laws and parts of laws forbidding the same are hereby repealed, only so far as it relates to this act, and this act to take effect from and after its passage.

Approved May 28th, 1864.

CHAPTER XXVI.

An Act to prohibit the sale of Ardent or Spirituous Liquors within five miles of the Court House within the Town of Waxahachie, Ellis County, except for medicinal purposes.

Section 1. Be it enacted by the Legislature of the State of Texas, That if any person shall, within five miles of the Court House within the town of Waxahachie, Ellis county, in this State, sell any ardent or spirituous liquors, except for medicinal purposes, in any quantities whatever, such person shall, upon conviction thereof, be deemed guilty of a misdemeanor and fined in any sum not less than two hundred dollars and not more than one thousand dollars, and the jury trying the same may add imprisonment in the County Jail, not exceeding three months.

Sec. 2. That if any person shall, within the District prescribed in the first section of this act, give, barter or exchange any ardent or spirituous liquors to any one with intent to evade the provisions of this law, such person shall be

deemed guilty of a like misdemeanor, and, on conviction thereof, subject to the penalties prescribed in the first section of this act, and proof by the State of the delivery of liquors, the sale of which is herein prohibited within said District, shall be deemed prima facie evidence of intent to avoid or evade the provisions of this act; and it shall not be necessary for the State, in any indictment under this act, to allege or prove that liquor sold, given, bartered or exchanged, was not for medicinal purposes.

Sec. 3. That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby repealed.

Approved May 28th, 1864.

JOINT RESOLUTIONS.

CHAPTER I.

JOINT RESOLUTION.

Resolved by the Legislature of the State of Texas, That, recognizing in Gen. E. Kirby Smith, Commander in the Trans-Mississippi Department, ability, efficiency and devotion to the cause of our country, we, the Representatives of the people of the State, tender to him, his officers and soldiers, our grateful thanks for the recent brilliant victories so gallantly achieved on the bloody fields of Louisiana and Arkansas, with full assurances to them that every instrumentality will be employed by the State, in proper co-operation with the Department, for the consummation of our independence and the establishment of a firm and permanent government.

2. That the Governor of the State cause a copy of these resolutions to be forwarded to Gen. Smith, with the request that they be read to his troops on dress parade.

Approved May 24th, 1864.

CHAPTER II.

Joint Resolution of thanks to Col. Santos Benavedes and the Officers and Men under his command.

1. Be it resolved by the Legislature of the State of Texas, That when, in the Autumn of the past year, our enemy was invading this State from many directions, and was exultant in the prospect of success, by overpowering armies, by insidious policy, by the aid of traitors in our midst, by desertions from our army and by the fears of the weak of faith, at a time which tried men's souls, when unwavering patriotism and true courage were more than ever to be appreciated, the people of this State witnessed with admiration the attitude of Col. Santos Benavedes and his handful of men, who dared to dispute, and did successfully maintain, the possession of an extensive tract of our frontier.

2. That the thanks of the people of the State are due and are hereby tendered to Col. Santos Benavedes, and the officers and men under his command, for their steadfast opposition to the enemy in the field and the zeal they have shown in the service of their country.

3. That the Governor be requested to transmit a copy of these resolutions to Col. Benavedes, and that they be read to his regiment on dress parade.

Approved May 24th, 1864.

CHAPTER III.

Joint Resolution in relation to the Tonkaway Indians.

Whereas, From the earliest settlement of Texas, and during the war of Texan Independence and border wars with other Indian tribes, the Tonkaway Tribe of Indians have remained true and faithful, and been the close and constant allies of our people; and

Whereas, At the earliest dawn of the present war, said tribe declared their destiny to be our destiny, and in consequence of their fidelity to the cause of Southern Independence they were attacked by our enemies and more than one-half of the tribe perished, including the brave old veteran Chief Placadore, who, with his warriors, women and children, proudly perished rather than betray or desert the cause which they had espoused; and

Whereas, The remnant of this faithful people are now wanderers on our soil, in the most wretched and dependent condition; Therefore

1. Be it resolved, That the Governor take such steps to settle them on the public domain of the State, and at such place as he may deem proper.

2. That the sum of thirty-five thousand dollars annually, for the years 1864 and 1865, be and the same is hereby appropriated out of any money in the Treasury, not otherwise set apart, for the support and maintenance of said tribe of Indians; the same to be expended under the direction of the Governor.

3. That these resolutions be in force from their passage.

Approved May 28th, 1864.

CHAPTER IV .

JOINT RESOLUTION.

Whereas, Information has been received that the remains of the late Brig. Gen. Wm. R. Scurry are on the way to this place, for interment in the State Cemetery, therefore

1. Resolved, That a committee of five be appointed to act in conjunction with any like committee that may be appointed on the part of the Senate, to make all suitable preparation for the proper reception of the remains of the distinguished dead, in the event they arrive here before the adjournment of the Legislature. If not, then the Governor is respectfully requested, in behalf of the State, to take such action in the premises as in his opinion may be meet and proper; and we hereby tender to him the use of this hall for the foregoing purpose.

2. Resolved, That the expenses of the burial be paid from the fund appropriated to defray the contingent expenses of the present session of the Legislature.

Approved May 28th, 1864.

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ERRATUM.

On page 18, in General Joint Resolution, Chapter VIII, second paragraph, ninth line, the word "improvements" should be "impressments."

THE STATE OF TEXAS, }
Department of State. }

I, Robert J. Towne, Secretary of State of the State of Texas, do certify that I have compared the foregoing Laws and Joint Resolutions of the Extra Session of the Tenth Legislature with the originals now on file in this Department, and that they are true copies of such originals.

I further certify, that the Extra Session of the Tenth Legislature of the State of Texas, in compliance with the Proclamation of the Governor, assembled on Monday, the ninth day of May, A. D. 1864, and adjourned on the twenty-eighth day of May, in the same year.

[Seal.] In testimony whereof, I have hereunto signed my name, and caused the Seal of the Department of State to be affixed, at Austin, this 20th of July, A. D. 1864.

R. J. TOWNES,
Secretary of State.

GENERAL LAWS

OF

THE TENTH LEGISLATURE
(SECOND EXTRA SESSION,)

OF

THE STATE OF TEXAS

BY AUTHORITY

AUSTIN
1865

GENERAL LAWS

CHAPTER I.

An Act to amend an Act, to encourage the erection of certain machinery, by donation of lands and otherwise, approved December 15th, 1863.

Section 1. Be it enacted by the Legislature of the State of Texas, That the third section of the aforesaid act shall be so amended as to read as follows: Section 3d, That it shall be the duty of the said Commissioners after making a minute personal examination of said machinery, and after procuring such other evidence of its value as may be accessible to them, to value the same at its true valuation in specie. In said valuation, the necessary buildings and structures, erected for the efficient operation of said machinery, shall be included; but the lands upon which they are situated shall not be valued. In case said buildings or machinery shall have been destroyed, in whole or in part, by fire or the public enemy, or by any other cause, over which the owner or owners of said property had no control, before said Commissioners have made a personal examination thereof, they may nevertheless proceed to hear evidence and assess the value of said property as though it had not been destroyed.

Provided, That no bonus shall be allowed to any party whose property has been so destroyed, unless the Commissioners are satisfied that such party has exercised reasonable care over said property.

Sec. 2. That this act shall take effect and be in force from and after its passage.

Approved November 7, 1864.

CHAPTER II.

An Act to amend the fourth section of an Act to organize the Supreme Court of the State of Texas, approved May 12th, 1846.

Section 1. Be it enacted by the Legislature of the State of Texas, That the 4th section of an act to organize the Supreme Court for the State of Texas, approved May 12th, 1846, be amended so as hereafter to read as follows, to-wit:

Sec. 4. That there shall be appointed for the Supreme Court one clerk for each division of the court, who, in addition to the duties now required by law of the clerks of the Supreme Court, each of the clerks appointed under this act shall be required to act as librarian in keeping and preserving the books of the Su-

preme Court, and shall reside at the place of holding court, the appointment shall be made by the court, or the Judges thereof, and shall be entered of record in the proceedings of the court, and each person so appointed shall, before he enters upon the duties of his office, take and subscribe the oath prescribed by the constitution before any officer authorized to administer oaths generally, and shall enter into a bond with two good securities, to be approved by the court or the Judges thereof, payable to the Governor of the State, and his successors in office, in the penalty of two thousand dollars, conditioned for the faithful performance of the duties of his office, and that he correctly record the judgments, decrees, decisions and orders of the said court, and deliver over to his successor in office all records, minutes, books and papers, and whatever belongs to his said office of clerk, which bond and oath shall, without delay, be deposited in the office of the Secretary of State, and shall not be void on the first recovery, but may be put in suit and prosecuted by any party injured, until the amount thereof be recovered, and shall be deemed to extend to the faithful discharge of the duties of his office.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved Nov. 10th, 1864.

CHAPTER III.

An Act to define and fix the time of holding the District Courts in the Second Judicial District of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That the second Judicial District, composed of the counties of Bastrop, Caldwell, Guadalupe, Hays and Travis, shall remain as heretofore, and the District Court shall be held twice in each year in each of said counties, as follows: In the county of Bastrop on the first Mondays in March and September, and may continue in session three weeks. In the county of Caldwell on the third Mondays after the first Mondays in March and September, and may continue in session two weeks. In the county of Guadalupe on the fifth Mondays after the first Mondays in March and September, and may continue in session three weeks. In the county of Hays on the eighth Mondays after the first Mondays in March and September, and may continue in session two weeks. In the county of Travis on the tenth Mondays after the first Mondays in March and September, and may continue in session until the business is disposed of.

Sec. 2. That all writs and other process, issued from the District Court of any of the counties named in this act, shall be made returnable to the terms of said court, as established by this act.

Sec. 3. That this act take effect and be in force from and after the 25th of December, A. D., 1864.

Approved Nov. 12th, 1864.

CHAPTER IV.

An Act to insure correct returns of Assessment Rolls to the Comptroller's Office.

Section 1. Be it enacted by the Legislature of the State of Texas, That it shall be the duty of the Assessors and Collectors of the State of Texas to carefully sum up each column of each page of their Assessment Rolls, making the total value column of each page balance with the aggregate amount thereon, and on the last page of the rolls make a general and complete recapitulation of the same.

Sec. 2. That it shall be the duty of the Chief Justice and County Commissioners, when said rolls are presented for their approval, to verify the correctness of the Assessor's summations and recapitulation.

Sec. 3. That in case the requirements of the first section of this act are not complied with by the Assessors and Collectors in the copy of assessment forwarded to the Comptroller's office, the Comptroller shall deduct one hundred dollars from the commissions of such Assessors and Collectors so failing for each and every such failure.

Approved Nov. 12, 1864.

CHAPTER V.

An Act making an appropriation to defray the contingent expenses of the office of Attorney General for the years 1864 and 1865.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of one thousand dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated annually to defray the contingent expenses of the office of Attorney General for the years 1864 and 1865.

Sec. 2. That this act take effect from and after its passage.

Approved November 8th, 1864.

CHAPTER VI.

An Act supplementary to an Act entitled an Act regulating Juries, approved May 4th 1846.

Section 1. Be it enacted by the Legislature of the State of Texas, That the county courts of the several counties in this State shall hereafter revise the jury lists of their respective counties, as now required by law, at their first regular term in each year; Provided that if from any cause the same should be omitted at said term, said courts shall revise said lists at the next succeeding term or at a special term to be called for said purpose.

Sec. 2. In every county where the number of citizens liable to jury duty at the time of the revision of the jury lists shall be less than one hundred, it shall be the duty of the county courts to place upon the jury lists the names of all Justices of the Peace, Constables, Coroners, Overseers of roads, County Surveyors and County Treasurers, who are not exempt from jury duty for other causes than official position, and said persons shall be required to serve as other Jurors, unless incompatible with the actual discharge of their official duties at the time their services shall be required, to be decided by the Judge of the court in session.

Sec. 3. All laws and parts of laws conflicting herewith are hereby repealed, and this act shall take effect and be in force from and after its passage.

Approved. Nov. 14th, 1864.

CHAPTER VII.

An Act to amend the 12th and 24th sections of an Act entitled an Act to authorize the County Courts to regulate Roads, appoint Overseers, &c., approved February 8th, 1858.

Section 1. Be it enacted by the Legislature of the State of Texas as follows: That the 12th section of the act recited in the caption hereof, be so amended as that the same shall hereafter read as follows, to-wit: Sec. 12. All free white male persons between the ages of seventeen and fifty years, and all male slaves and other persons of color over sixteen and under fifty years of age, shall be liable, and it is hereby made their duty, to work on, repair and clear out the public roads of this State, under such provisions and regulations as hereinafter made.

Sec. 2. That section 24 of said act shall hereafter read as follows, to-wit:

Sec. 24. All fines imposed under the provisions of this act shall be collected in gold or silver coin. State treasury warrants or Confederate money of the new issue at its market value, and when recovered, after deducting therefrom all legal costs, the balance shall be paid over to the overseer of the road, in the precinct where the penalty accrued, for which amount the overseer shall give his receipt, the money to be applied by him to the improvement and keeping in good repair of his road.

Sec. 3. That this act take effect from its passage and be and remain in force until twelve months after the close of the present war.

Approved, Nov. 14th, 1864.

CHAPTER VIII.

An Act supplementary to, and amendatory of an Act to establish a code of criminal procedure for the State of Texas, approved August 26th, 1856.

Section 1. Be it enacted by the Legislature of the State of Texas, That articles 960, 962 and 964 of the above entitled act shall hereafter read as follows, to-wit: Art. 960. The Sheriff shall receive from the county, for each guard he may employ and for the support and maintenance of each prisoner in his custody such amount as the Chief Justice may, in his discretion, designate as necessary and sufficient, to be allowed by the Chief Justice on the presentation to him of the account verified by the oath of the Sheriff. Art. 962. At each term of the District Court of his county, the Sheriff may present to the District Judge presiding, his account for all expenses incurred by him for food and lodging of jurors in cases of trial for felony during the term at which his account is presented, which account shall be verified by the oath of the Sheriff. Art. 964. The District Judge shall give to the Sheriff a draft upon the County Treasurer for the amount of each account allowed by him, and the same when presented to the Treasurer shall be paid out of any money in his hands. The Chief Justice shall give to the Sheriff a draft upon the County Treasurer for the amount of each account allowed, not to include those allowed for keeping prisoners brought from other counties for safe keeping, or for trial on change of venue, and the same, when presented to the County Treasurer, shall be paid out of any money in his hands; and he shall also give the said Sheriff a draft for the amount of each account allowed by him on account of any prisoners brought from another county for safe keeping or trial on change of venue, on the County Treasurer of the county from which such prisoner may have been brought; and the same when presented to the Treasurer of such last named county shall be paid out of any money in his hands.

Sec. 2. That this act shall take effect and be in force from and after its passage.

Approved, Nov. 14th, 1864.

CHAPTER IX.

An Act making appropriation to pay the mileage and per diem of the members and the per diem pay of the Officers of the second extra session of the tenth Legislature.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of fifty thousand dollars, or so much thereof as may be necessary, is hereby appropriated to pay the mileage and per diem of the members, and the per diem of the officers of the second extra session of the tenth Legislature, and the certificate of the Clerk of the House, and Secretary of the Senate, of the amount due shall be authority to draw said money from the treasury of the State, for their respective Houses.

Sec. 2. That this act take effect and be in force from and after its passage.
Approved, Nov. 15th, 1864.

CHAPTER X.

An Act making an appropriation for paying the contingent expenses of the second extra session of the tenth Legislature.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of twenty-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated to pay the contingent expenses of the second extra session of the tenth Legislature; Provided, that for the postage bills due, the Comptroller shall issue his warrant on the Treasurer, payable in Confederate treasury notes.

Sec. 2. This act to be in force from and after its passage.
Approved, Nov. 15th, 1864.

CHAPTER XI.

An Act to raise Revenue from Occupation and Income Taxes. Be it enacted by the Legislature of the State of Texas as follows:

Section 1. On each occupation of distilling spirituous liquor, by use of a still capable of holding eighty gallons, there shall be levied an annual tax of one thousand dollars; and on each occupation of such distilling by use of a still of greater or less capacity than eighty gallons there shall be a proportional annual tax. It is understood that such use of each still constitutes a separate occupation, subject to the appropriate tax. The term "still," as used throughout this act, comprehends every kind of metallic or woden vessel, used for boiling liquid in the process of distillation. And every person engaged in such occupation is called a distiller.

Sec. 2. No person shall engage in the occupation of distilling spirituous liquors, without previously obtaining a license therefor; and such license may be obtained in the following manner: A person or company purposing to engage in such occupation shall pay the proper tax to the Assessor and Collector of taxes of the county wherein the business is to be conducted, who shall give a corresponding receipt. According to such receipt the Clerk of the county Court of said county shall issue a license for pursuing such occupation for the term of one year. Provided, the Assessor and Collector, before giving such receipt, shall accurately ascertain, by his own measurement, the number of gallons which the still may be capable of holding.

Sec. 3. On each occupation of retailing spirituous or other liquors, there shall be levied a tax at the rate of two hundred and fifty dollars per annum, which tax shall be levied and collected, as provided for other taxes in the first section. The term "retailing" in this act is understood to mean selling in a quantity less than a gallon. No person shall engage in the occupation of retailing spirituous or other liquors without previously obtaining a license therefor; and such license may be obtained, as provided for other licenses in the second section; Provided such license may be issued for any time not exceeding one year nor less than three months.

Sec. 4. It shall be a misdemeanor for any person, either alone or as one of a company, to violate either of the foregoing prohibitions; the one against distilling without a license, and the other against retailing without a license; and the unlicensed pursuit of either of such occupations on any one day shall constitute the complete offense; and the offense will be complete for each day on which either of such occupations shall be pursued without license. And any person

who shall pursue the occupation of distilling without license, so as to violate the first prohibition and be guilty of a misdemeanor, as aforesaid, shall be punished by a fine of one hundred dollars; and any person who shall pursue the occupation of retailing without license, so as to violate the second prohibition and be guilty of a misdemeanor, as aforesaid, shall be punished by a fine of fifty dollars; and such fines, respectively, shall be imposed for the separate offense of each day, on which an offender may so violate a prohibition.

Sec. 5. The Assessor and Collector of the county in which such offense shall have been committed against either of said prohibitions, is required to prosecute every such offender before a proper tribunal. And for such service the person so prosecuting shall be entitled to a commission of twenty per centum on the amount that may be collected of any such fine.

The District Judges shall have jurisdiction to prevent any person from pursuing either of such occupations without license, as against public policy, and for such purpose may use the writs of injunction and attachment, and any other appropriate remedy.

The Assessor and Collector is required to present to the proper District Judge, by petition, a full showing of every such offense, and to prosecute each known offender, to prevent the unlicensed pursuit of either of such occupations. For such services the Assessor and Collector shall have such compensation as may be allowed by the Judge, before whom the case shall be presented as aforesaid.

If the Assessor and Collector should wilfully fail or refuse so to present and prosecute any such case before the District Judge, such failure or refusal shall be considered a misdemeanor: for which the punishment shall be a fine of one thousand dollars, or an imprisonment of one month, or both, as the jury may determine. And the District Attorney, for his services, shall have twenty per centum on the amount, that may be collected of such fine.

Moreover, the District Attorney is charged to see that this act shall be enforced; and to this end, in case of delay or failure, or refusal of the Assessor and Collector, the District Attorney shall institute and prosecute proceedings for any offense of pursuing either of said occupations without license: and he shall be entitled to compensation as prescribed for the Assessor and Collector. And, on delay, failure or refusal of the Assessor and Collector, the District Attorney shall institute and prosecute proceedings before the District Judge, to prevent the unlawful pursuit of either of such occupations: and said attorney shall be entitled to compensation, as prescribed for the Assessor and Collector.

But no license shall be issued for retailing liquor until the person or company, applying therefor, shall have given bond to the State, with sufficient sureties, to be approved by the Chief Justice, in the penal sum of one thousand dollars, conditioned that the retailing establishment shall be kept in an orderly manner.

Sec. 6. There shall be levied and collected an income tax of five per centum on the gross amount of all sales of spirituous or other liquors, including beer and wine, of all kinds. And any person or firm making any such sale, either by wholesale or by retail, shall render an account thereof, in writing, and on oath, stating fairly the full amount of the sales, and the value of any quantity disposed of in any other manner than by sale, which shall be regarded as a sale for such value: and such returns shall be made, within one month from the time of such disposal, to the Clerk of the County Court of the county in which such disposal shall have been made. And such tax shall be promptly paid to the Assessor and Collector of said county, every month, as it shall become due. And any person who shall fail to comply with either of the foregoing requirements, as to making returns or payments, shall be guilty of a misdemeanor, and on conviction shall be punished by a fine in the sum of one thousand dollars, or by imprisonment not exceeding six months, or by both, as the Jury may determine.

Sec. 7. There shall be levied and collected an income tax of one per centum on the gross amount of all sales of all kinds of merchandise, except the articles mentioned in section six, and agricultural and mechanical products, when disposed of by the producers. And returns of such sales and other dispositions of such

taxed merchandise shall be made, and the taxes thereon shall be paid and collected, in all respects as prescribed in section six, as to other taxes. And violations of the provisions of this section shall be misdemeanors; and the persons so offending shall be punished as provided for punishing offenders under the sixth section.

Sec. 8. There shall be assessed and collected, annually, the following taxes on persons pursuing the following respective occupations: On every wholesale merchant, whose business may be wholesale, retail or commission, three hundred dollars; on every retail merchant, one hundred dollars; on every druggist, one hundred dollars; on every auctioneer, one hundred dollars, on every hawker or peddler, fifty dollars.

Sec. 9. There shall be assessed and collected, annually, the following taxes on persons pursuing the following respective occupations: On every person keeping, for play, a billiard table, or a nine or ten pin alley, one hundred dollars; on every person doing a storage or warehouse business, one hundred dollars; on every person doing the public business of compressing or re-pressing cotton, one hundred dollars; on every insurance company, one hundred dollars; on every ferrying establishment, doing the business as much as three months in the year, twenty-five dollars; on the ownership of any toll bridge, twenty-five dollars; on every dentist, fifty dollars; on every establishment for brokering or commission business, fifty dollars; on every establishment for underwriting, fifty dollars; on every establishment for pawnbrokering, fifty dollars; on every negro trader, doing such business as an occupation, but not as a merchant or auctioneer, two hundred dollars; on each establishment of stage contractors for each separate mail route, one dollar for each mile of length of the route; on each establishment for an accommodation stage or hack line, fifty dollars; on each lawyer, ten dollars.

And each person or company, pursuing any occupation mentioned in this section, shall pay an income tax of two per centum on the gross amount of receipts from such occupation.

Sec. 10. There shall be assessed and collected, annually, the following taxes on persons pursuing the following respective occupations: On a keeper of an hotel fifty dollars; on a keeper of a restaurant or eating house, twenty five-dollars; on a keeper of a livery stable, fifty dollars; on each butcher, ten dollars; on each president, director, conductor, engineer, secretary or clerk of a railroad company, or a railroad, twenty dollars; on each doctor, ten dollars.

And each person or company, pursuing any occupation mentioned in this section, shall pay an income tax of one per centum on the gross amount of receipts from such occupation.

Sec. 11. Railroad companies shall pay an income tax of one-fourth of one per centum on the gross amount of receipts, by the respective companies.

Sec. 12. The occupation taxes imposed by sections eight, nine and ten, shall be collected as now provided by law for the collection of occupation taxes.

Sec. 13. The assessment, return and collection of taxes on sales, other than those on sales of liquor, shall be subject in all respects, except in the rates of taxation, to the provisions of this act for enforcing the assessment and collection of the taxes on the sales of liquor, provided that permanent residents shall be allowed three months for their respective terms of assessment, return and collection.

Sec. 14. Persons liable for income taxes arising from occupations shall report and pay such taxes, every three months in the manner herein provided for reporting and paying income taxes on sales; and failures to do so shall be regarded as misdemeanors, subjecting offenders, on conviction, to fine or imprisonment, in the discretion of juries trying the cases.

Sec. 15. All taxes, fines, valuations and penalties of bonds, according to the general terms of this act, are understood to be in specie; and all payments of liabilities under this act shall be made in specie or in Comptroller's warrants, authorizing payments by the Treasurer, or in coupons of State bonds, which papers are receivable in commutation for the specie, at par therewith.

Sec. 16. So far as the provisions of any existing law shall be incompatible

with the provisions of this act, such former provisions shall have no future force nor effect; but existing liabilities under such former provisions are not hereby affected.

Sec. 17. This act shall be in force from its passage.

Approved, Nov. 15th, 1864.

CHAPTER XII.

An Act to provide more effectually for the Support and Maintenance of the Indigent Families and Dependents of Texas Soldiers.

Section 1. Be it enacted by the Legislature of the State of Texas, That 600,000 yards of cloth, and all the excess of thread manufactured by the State Penitentiary, be, and the same are hereby appropriated annually for the support and maintenance of the indigent families and dependents of Texas soldiers. That said cloth and thread shall be distributed to the several county courts of this State, in trust, to be used by them in the purchase of supplies, for supporting and maintaining said indigent persons in the manner hereinafter provided, and in clothing them in cases of absolute necessity.

Sec. 2. That the Financial Agent of the Penitentiary shall, without delay, proceed to divide the State into six districts, each to be composed of such contiguous counties as may contain an aggregate approximation as nearly as may be of one-sixth of the indigent persons in this State, who are entitled to relief under this law, and that the cloth and thread due each county on its monthly appropriation, shall be set aside each month by the Financial Agent, and distributed by him to each district, in rotation, which the Financial Agent shall determine, by lot, in the presence of a majority of the Directors of the Penitentiary; and each district to be numbered as drawn from one to six. It shall be the duty of the Financial Agent to make known, by printed circulars forwarded to the Chief Justices of the several counties, the counties composing each district, and the month in which each district is entitled to cloth and thread.

Sec. 3. The Comptroller shall furnish the Financial Agent with complete **returns** of the indigent persons made by the Chief Justices of the **respective** counties, in accordance with the existing law in such case made and provided, which shall form the basis of distribution of the cloth and thread among the several counties of this State, which distribution shall be promptly made by the Financial Agent, upon the application of the county court of each county, or its authorized agent, who shall receipt for the same, which receipt shall be filed by the Financial Agent in the settlement of his accounts; such distribution shall be made to each county in a proportional quantity of thread and of each kind of cloth manufactured.

Sec. 4. It shall be the duty of the county court of the respective counties to promptly procure from the Financial Agent of the Penitentiary, from time to time, the quantity and quality of cloth and thread, to which their county is entitled, and to provide transportation for the same to their county seat, and are hereby authorized upon the reception of the same to dispose of it in a manner which they may think will best subserve the purpose of supplying the wants of the indigent families and dependents of Texas soldiers, and those engaged in the naval or marine service of the State or Confederate government, and they are further authorized to make sale of the same prior to its reception, by sample, or otherwise as they may think best. Provided the provisions of this act to distribute cloth to the counties shall apply only to such counties as shall, within ninety days after the passage of this act, notify the Superintendent of the Penitentiary that they wish to re-

ceive the same. And the remainder of such cloth shall be sold or offered for sale to the Confederate States, and the proceeds shall be distributed to the counties which have not signified their willingness, to receive cloth; Provided, further, that in no case shall the cloth be sold or bartered at less than its market value.

Sec. 5. That in addition to the appropriation hereinbefore made and Provided, the County courts of this State are hereby authorized and empowered, at their discretion, if they should deem it advisable, to levy and have collected a tax on all proper subjects of taxation by the State as rendered in their respective counties, and including license tax and tax on merchandise, as shown by the assessment rolls on file in their respective counties, and may include the assessment for 1864, and for any year thereafter, but shall in no case exceed the State tax, on the particular subject of taxation, which tax shall be collected in such funds as the county court may deem proper, and the Assessor and Collector shall proceed to collect the same, in the manner prescribed for the collection of other county taxes; Provided, however, that no property belonging to a soldier in the active military service, or naval or marine service of the Confederate States, shall be sold for taxes, under the provisions of this act during his continuance in said service; Provided, further, that nothing herein contained shall be so construed as to protect from tax sale the property of any persons at home on permanent detail: Provided, further, that the tax payers shall have the privilege of paying said tax in such articles of prime necessity as the county court shall, from time to time, deem necessary for the support and maintenance of the persons provided for in this act. The price at which said articles shall be received, shall be determined by said court every three months or oftener, which shall be at a fair market value in the funds receivable in the payment of the tax.

Sec. 6. The county court shall designate the place or places within the county where the articles proposed to be delivered in payment of the tax, shall be received, and any tax payer who desires to pay produce or other articles, shall deliver the same as required by the county court, and the receipt of any member of the county court, or its authorized agent, to whom the articles are delivered, shall be received by the Assessor and Collector, in payment of the tax, and returned by him as a voucher in his settlement with the county court. The Assessors and Collectors of the county, in addition to the duties prescribed by law, shall do and perform such other duties as may be required of them by the county court in assessing and collecting the tax authorized to be levied by this law, and shall receive for their services a like compensation as for assessing and collecting any other county tax; and in case any Assessor and Collector fails or refuses to perform his duty, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred nor more than five hundred dollars, at the discretion of the Jury.

Sec. 7. The tax to be levied and collected under the provisions of this act, shall be due as soon as the same is levied, and the Assessor and Collector shall proceed immediately to collect the same at the time and in the manner prescribed by the county court; and in case there is a failure of the tax payer to pay the same within the time prescribed, the Assessor and Collector shall proceed to levy on the property of the delinquent and proceed to sell the same in the manner prescribed by law for enforcing the collection of the State tax.

Sec. 8. It shall be the duty of the county court to have entries made in a book to be kept for that purpose, a full and minute statement of all the cloth received from the Penitentiary, to whom the same has been sold, at what price and in what kind of articles payment has been made, and the amount of cloth furnished in kind; also, the amount of tax levied under this law, how much of the same has been collected in money, what character of money, and how much in other articles; also, the names of all persons to whom assistance has been

rendered under the provisions of this act, how much each has received, and in what kind of articles, and the date at which such assistance was rendered, which book shall be open at all times for the inspection of any person who may desire to examine the same.

Sec. 9. The provisions of this act are intended to more effectually support and maintain the indigent families and dependents of Texas soldiers, who are in the army, navy or marine service of the Confederate States, or who have died or been disabled in the military, naval or marine service of the Confederate States, or who are in the military service of the State of Texas, or who have died or been disabled in said service, Provided,

Sec. 10. No member of the county court shall, either directly or indirectly, become the purchaser of any portion of the cloth placed under their control by virtue of this act; and if any member of the county court, or any other person engaged in carrying out the provisions of this act, shall in any manner appropriate to his own use any cloth, money, produce, or other articles that comes into his possession, for safe keeping or distribution, or otherwise, he shall be deemed guilty of embezzlement, and upon conviction be punished accordingly; Provided, however, that nothing in this act shall be so construed as to prohibit the counties which have not heretofore received their quota of cloth under regulations, upon the subject of distributing cloth for soldiers' families from receiving their proportion with other counties that have received cloth from the Penitentiary.

Sec. 11. That an act entitled an act authorizing the county courts of the several counties in this State to levy and collect a special tax for war purposes on all property subject to taxation by the State, "approved, January 1st, 1862;" Also, an act entitled an act to provide assistance for families and other dependents of officers and soldiers, approved March 6th, 1863, be, and the same are hereby repealed, and this Act take effect from and after its passage.

Approved, Nov. 15th, 1864.

CHAPTER XIII.

An Act to amend the fourth section of an Act, entitled an Act to provide more effectually for the support and maintenance of the Indigent Families and dependents of Texas Soldiers, passed at the present session of the Legislature, and supplementary to said Act.

Sec. 1. Be it enacted by the Legislature of the State of Texas, That the fourth section of the above recited act shall hereafter read as follows: Sec. 4. It shall be the duty of the county court of the respective counties to promptly procure from the Financial Agent of the Penitentiary, from time to time, the quantity and quality of cloth and thread to which their county is entitled, and to provide transportation for the same to their county seat, and are hereby authorized, upon the reception of the same, to dispose of it in a manner which they may think will best subserve the purpose of supplying the wants of the indigent families and dependents of Texas soldiers, and those engaged in the naval or marine service of the State or Confederate governments, and they are further authorized to make sale of the same prior to its reception by sample or otherwise, as they may think best: Provided the provisions of this act to distribute cloth to the counties shall apply only to such counties as shall, within ninety days after the passage of this act, notify the Financial Agent of the Penitentiary that they wish to receive the same. And should any county fail to notify the Financial Agent of the intention of said county to receive said cloth and thread within the time prescribed in this act then it shall be the duty of the Financial Agent of the Penitentiary to offer the same to the Confederate Government at its fair market value in State treasury warrants, or Confederate money at its market value. And should the said Confederate government fail to purchase the same,

it is hereby made the duty of the Financial Agent to sell said cloth and thread to the highest bidder at public auction, in the town of Huntsville, for State treasury warrants, or Confederate money, at its market value, after giving at least forty days notice in some newspaper published in the State, and when said cloth has been sold, the proceeds shall be distributed to the counties which have not signified their willingness to receive cloth and the receipts of the Chief Justice shall be a voucher to the Financial Agent in his settlement with the Comptroller.

Sec. 2. That the act to which this is supplementary and amendatory shall be so construed as to allow the county courts to levy and have collected a tax upon all proper subjects of taxation, as rendered within their respective counties, a tax not to exceed in amount the State tax upon the particular subject of taxation, which tax may be collected in specie, State treasury warrants or Confederate treasury notes, at their market value, as the county courts in their discretion may direct.

Sec. 3. This act to take effect from and after its passage.

Approved Nov. 15th, 1864.

CHAPTER XIV.

An Act to repeal an Act and part of an Act therein named.

Section 1. Be it enacted by the Legislature of the State of Texas, That an act entitled an act to amend the third and fourth sections of an act to provide necessary assistance for families, and other dependents of officers and soldiers, approved March 6th, 1863, approved December 16th, 1863, and so much of an act entitled an act to provide for the support of families and dependents of Texas soldiers, approved December 15th, 1863, as provides for the appropriation of one million of dollars per annum for the support and maintenance of the families, widows and dependents of certain officers and soldiers of Texas, be and the same are hereby repealed. But this act shall not be so construed as to interfere with the semi-annual distribution of said fund, which should have been made under the provisions of the fourth section of the last named act on the first of September, 1864.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved Nov. 15th, 1864.

CHAPTER XV.

An Act concerning the distribution of cloth from the Penitentiary.

Whereas, Under regulations heretofore adopted by the Financial Agent of the Penitentiary, cloth has been distributed to a portion of the counties in this State at rates then fixed, and, Whereas, some of the counties have not received their quota under said regulations,

Section 1. Be it enacted by the Legislature of the State of Texas, That it shall be the duty of the Financial Agent of the Penitentiary to set apart and distribute to the several counties in this State their equal proportion of cloth with counties that have received cloth at the same price and upon the same terms which it was furnished to other counties under the last regulation, and it shall be his duty to notify the several Chief Justices of the counties entitled to cloth, when it is ready for delivery, provided, however, that the distribution in this act shall not interfere with the distribution under an act entitled an act to provide more effectually for the support and maintenance of indigent families and dependents of Texas soldiers but the said distribution shall be made out of the first cloth on hand after the several counties are furnished under the said act referred to, and, further, provided that to authorize any county to receive cloth under this

act it shall be necessary for the Chief Justice of the county to notify the Financial Agent of the Penitentiary within ninety days from the passage of this act of his intention to take the cloth, otherwise the said county shall not be entitled to the benefits of this act; and this act shall take effect and be in force from and after its passage.

Approved Nov. 15th, 1864.

CHAPTER XVI.

An Act to authorize Railroad Companies to discharge their indebtedness to the special school fund with the treasury warrants and bonds and coupons of the State.

Be it enacted by the Legislature of the State of Texas, That the railroad companies of this State, that are indebted to the Special School Fund, shall continue to be allowed the privilege of paying the interest due said Fund in the Treasury warrants and Bonds and Coupons of the State; and may also discharge the whole or any part of the principal of their indebtedness to that fund (in the same manner,) provided such railroad companies shall satisfy the Comptroller that the treasury warrants and bonds and coupons of the State are received by them at par with Specie for freight and passenger travel.

That all treasury warrants and bonds and coupons of the State, so received into the State treasury, shall be cancelled; and the Comptroller shall issue the bonds of the State, bearing six per cent interest, to the Special School Fund for the amounts so paid in: and this act take effect from its passage.

Approved Nov. 15th, 1864.

CHAPTER XVII.

An Act to authorize the use of the Texas Penitentiary for the confinement of convicts from the States of Louisiana, Arkansas and Missouri.

Section 1. Be it enacted by the Legislature of the State of Texas, That any person who has heretofore been convicted, or who may hereafter be convicted by any competent court of either of the States of Louisiana, Arkansas or Missouri, to hard labor in the Penitentiary of such State, may be received into the Penitentiary of the State of Texas, and subjected to the rules, regulations and discipline of that institution with reference to the convicts of this State; and remain there until the time for which such person is convicted expires, or until recalled by the respective States whence such person is sent.

Sec. 2. A certified copy of the judgment of the court convicting such person to hard labor in the Penitentiary, or a certificate under the seal of the State in which such conviction is had, that such person has been so convicted, stating the term for which sentenced, shall be sufficient evidence to authorize the Superintendent of the Penitentiary to receive all such persons, provided no more persons shall be received under this act than the capacity of the Institution will justify.

Sec. 3. The transportation of persons sent to the Penitentiary under this act shall, in no event, be a charge upon the State or the Penitentiary; neither shall the amount of money authorized to be paid to the convicts of this State, at the expiration of their terms of conviction, be paid to convicts authorized to be received under this act.

Sec. 4. That this act take effect from its passage, and that the Governor cause certified copies to be forwarded immediately to the Governors of said States.

Approved Nov. 15th, 1864.

CHAPTER XVIII.

An Act to provide for the publication of the Synopsis of the decisions of the Supreme Court.

Section 1. Be it enacted by the Legislature of the State of Texas, That the synopsis of the decisions of the Supreme Court which have been rendered since the publication of the last volume of reports be published in pamphlet form under the direction and supervision of the reporter of said court; that three hundred copies of said work shall be printed and a copy shall be furnished to each officer and court entitled to copies of the reports of the Supreme Court.

Sec. 2. That the reporter shall receive such compensation as the Judges of the Supreme Court shall adjudge a proper remuneration, and upon their certificate the Comptroller shall deliver to the reporter a warrant upon the treasury for the amount to be paid out of the contingent fund of the Supreme Court.

Sec. 3. That this act take effect and be in force from and after its passage.

Approved Nov. 15th, 1864.

CHAPTER XIX.

An Act to protect persons in the right to consult counsel in certain cases.

Section 1. Be it enacted by the Legislature of the State of Texas, That if any civil or military officer, or any person whomsoever, having any person in his or their custody, shall wilfully prevent said person in custody, as aforesaid, from consulting with or communicating with counsel, and thereby prevent said person from obtaining the advice or services of counsel to prosecute his legal rights, such officer or person so offending shall be deemed guilty of a misdemeanor, and on conviction shall be punished by confinement in the county jail for not less than sixty days nor more than six months, and by fine not to exceed one thousand dollars for each and every offense.

Sec. 2. This act to take effect from its passage.

Approved Nov. 15th, 1864.

CHAPTER XX.

An Act making an appropriation for the enclosure of the State Cemetery.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of Ten Thousand dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated, out of any money in the Treasury not otherwise appropriated for the enclosure of the State Cemetery.

Sec. 2. That the Governor be authorised to carry this act into effect, and that this act take effect from and after its passage.

Approved Nov. 15th, 1864.

CHAPTER XXI.

An Act to amend an act entitled an Act to organize the 17th Judicial District, and to prescribe the time for holding courts therein.

Section 1. Be it enacted by the Legislature of the State of Texas, That

the 17th Judicial District shall hereafter be composed of the counties of Burnet, Llano, Mason, Menard, McCulloch, San Saba, Brown, Lampasas and Williamson, and the District Court shall be held twice a year in each of said counties, as follows: In the county of Burnet on the 1st Mondays in March and September, and may continue in session one week; in the county of Llano on the 1st Monday after the 1st Mondays in March and September, and may continue in session one week; in the county of Mason on the 2d Monday after the 1st Mondays in March and September, and may continue in session one week; in the county of Menard on the 3d Monday after the 1st Mondays in March and September, and may continue in session one week; in the county of McCulloch on the 4th Monday after the 1st Mondays in March and September, and may continue in session one week; in the county of San Saba on the 5th Monday after the 1st Mondays in March and September, and may continue in session one week; in the county of Brown on the 6th Monday after the 1st Mondays in March and September, and may continue in session one week; in the county of Lampasas on the 7th Monday after the 1st Mondays in March and September, and may continue in session one week; in the county of Williamson on the 8th Monday after the 1st Mondays in March and September, and may continue in session until the business is disposed of.

Sec. 2. That all writs and other process issued from the District Court of any of the counties named in this act shall be made returnable to the terms of said court established by this act.

Sec. 3. That this act take effect from its passage.

Approved Nov. 15th, 1864.

CHAPTER XXII.

An Act to regulate the Salary of the Private Secretary to the Governor, and making an appropriation therefor.

Section 1. Be it enacted by the Legislature of the State of Texas, That the salary of the Private Secretary to the Governor, for the years 1864 and 1865, shall be at the rate of the Chief Clerks of Departments.

Sec. 2. That the sum of four hundred dollars, in addition to the amounts heretofore appropriated, be, and is hereby appropriated to carry this act into effect.

Sec. 3. This act to take effect from its passage.

Approved Nov. 15th, 1864.

CHAPTER XXIII.

An Act supplementary to an Act, entitled an Act making an appropriation to defray the expenses of defending the Frontier for the years 1864 and 1865, in pursuance of the provision of an Act to provide for the protection of the Frontier, and turning over the Frontier Regiment to the Confederate States service, approved Dec. 15th, 1863.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of one million of dollars in Confederate States Treasury Notes be, and the same is hereby appropriated, to be expended in defraying the expenses of the frontier, for the years 1864 and 1865, in addition to the sum appropriated by the act to which this is supplementary.

Sec. 2. That this act take effect from its passage.

Approved, Nov. 15th, 1864.

CHAPTER XXIV.

An Act supplementary to an Act entitled an Act to regulate proceedings in the County Courts, pertaining to estates of deceased persons, approved March 20th, 1848.

Section 1. Be it enacted by the Legislature of the State of Texas, That when the Executor or Administrator of any estate, the property of which will escheat, for want of heirs, to the State of Texas, under the laws thereof shall have paid all the legal debts due and owing by said estates, the Chief Justice of the county in which such administration, or executorship exists, shall order such Administrator or executor to proceed to sell all the property of such estate, on a credit of twelve months, taking therefor the promissory notes of the purchasers, with good and sufficient personal security, with a mortgage on all lands and slaves purchased, and report the sale to the County Court as other sales of the property of deceased persons are now required to be reported; upon such report of sale being made the County Court shall make a decree closing the administration of the estate, as in ordinary cases, and order the assets of the estates to be paid over forthwith to the Treasurer of this State, and the State of Texas shall have power to proceed to collect the same, according to the tenor of the obligation sued on, in gold or silver, and that only, as any other creditor under the laws of this State, and in all cases where the Executor or Administrator has heretofore sold the property of any such estate, and paid all the debts of the same, the foregoing provision as to assets, after sale, shall apply.

Sec. 2. That this act shall be in force from and after its passage.

Approved Nov. 15th, 1864.

CHAPTER XXV.

An Act to make further appropriations for the support and maintenance of the State Government for the years 1864 and 1865.

Section 1. Be it enacted by the Legislature of the State of Texas, That the following sums are hereby appropriated to further provide for the support of the State Government, for the years 1864 and 1865: To pay the contingent expenses of the Supreme Court, \$20,000. To pay for purchasing firewood, lighting material, stationery, and for fitting up the capitol for the next Legislature, for repairing and taking care of the furniture, and for taking care of the capitol square and building, \$3,000. For paying extra clerk service in Treasurer's office, \$1,200. For purchasing stationery for Assessors and Collectors and Chief Justices by the Comptroller, \$5,000.

Sec. 2. This act to take effect from and after its passage.

Approved Nov. 15th, 1864.

CHAPTER XXVI.

An Act to extend the time for the redemption of land sold, or to be hereafter sold for taxes.

Section 1. Be it enacted by the Legislature of the State of Texas, That in all cases where land has been sold for taxes, or may hereafter be sold for taxes

in this State, and purchased by individuals or by the State, the owner or owners thereof shall be allowed until two years after the ratification of a treaty of peace between the United States and the Confederate States of America to redeem the same, upon the payment to the purchaser thereof or the State, as the case may be, of double the amount of the purchase money and costs of sale; Provided, however, that this act shall only apply to cases where the owner or owners of the land sold or to be sold were or may be in the military, naval or marine service of the Confederate States, or of the State of Texas, at the time of making said sale, and, Provided further, that no deserter (except such as may have been pardoned, and restored by order of competent authority) from the military service of the Confederate States, or of the State of Texas, shall be entitled to the provisions of this act.

Sec. 2. That all laws and parts of laws in conflict with this act be, and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved Nov. 15th, 1864.

CHAPTER XXVII.

An Act to establish the salary of the Chief Clerk of the Treasurer's office.

Section 1. Be it enacted by the Legislature of the State of Texas, That from and after the passage of this act the Chief Clerk of the Treasurer's office shall be entitled to and receive the same salary as the Chief Clerks of the other departments, and that the sum of four hundred dollars, or so much thereof as is necessary, in addition to the sum already appropriated for the payment of his salary, be appropriated to carry out the purpose of this act.

Sec. 2. That this act take effect and be of force from its passage.

Approved, Nov. 15th, 1864.

CHAPTER XXVIII.

An Act to authorize the Treasurer of the State to employ some competent person to sign his name in certain cases, and making an appropriation therefor.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Treasurer of the State be, and he is hereby authorized, whenever the business of his office demands it, to employ some suitable person to sign his name on the Treasury Warrants hereafter to be issued by the Comptroller, which said signing shall be under the direction and supervision of the Treasurer.

Sec. 2. Before the person thus employed shall enter upon the discharge of said duty, he shall take the oath prescribed by the constitution, which said oath shall be attested and filed with the Comptroller of public accounts.

Sec. 3. That the sum of twelve hundred dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated, to pay for the services of the person who may be employed under the first section of this act.

Sec. 4. That this act take effect and be of force from its passage.

Approved. Nov. 15th, 1864.

CHAPTER XXIX.

An Act making an appropriation to re-cover or repair the roof on the old Land Office.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of eight thousand dollars in State Treasury Warrants, or so much thereof as may be necessary, be, and the same is hereby appropriated for the purpose of re-covering or repairing the roof on the old Land Office—the work to be performed under the direction of the Board of Commissioners of Public Grounds and Buildings.

Sec. 2. That this act take effect from its passage.

Approved, Nov. 15th, 1864.

CHAPTER XXX.

An Act making an appropriation of ten thousand dollars, or so much thereof as may be necessary to re-cover and repair the Executive Mansion, in the city of Austin, and the fences around the same.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated to re-cover and repair the Executive Mansion, with the out-buildings, and the fences around the same, and that it shall be the duty of the Board of Public Works to have the work done as early as possible.

Sec. 2. This act take effect from its passage.

Approved, Nov. 15th, 1864.

JOINT RESOLUTIONS.

CHAPTER I.

Joint Resolutions Concerning Peace, Reconstruction and Independence.

Whereas, Among the political parties in the United States the question of a re-union of those States with these of the Confederacy is being agitated, and in order to promote such re-union it is urged that delegates be chosen from each of the States of the Confederacy, and in the Union, to meet in convention to reform the Constitution of the United States, which proposition is coupled with the quasi pledge, that such amendments shall be made to that constitution as will forever guarantee the institution of African slavery in the States of this Confederacy; and, Whereas, it is possible that the political party in the United States advocating that proposition may prevail at the approaching election in choosing the Executive of that Government, and that consequently the foregoing proposition may be attempted to be made to the States of the Confederacy: now we of the State of Texas, believing that it is proper to meet such proposition in advance, have resolved as follows:

Resolved 1. Be it resolved by the Legislature of the State of Texas, That neither the above proposition nor any other can be made to the people of this State, by the United States or any other foreign people, the Government of the Confederate States being the only organ of the States in the Confederacy for the transaction of business with foreign nations, and such proposition, if made at all, must be made to the Government of the Confederate States, and if made to the Government of this State, will not be entertained.

Resolution 2. That we recognize in that proposition no good faith, but merely an insidious policy to "divide and conquer," a policy through which it is hoped to detach some of the States from the Confederacy, thereby to weaken and demoralize the rest. To accomplish this an appeal is made to our love of property which as it is the all prevailing motive to the action of the people of the North, they supposed would control our conduct.

Resolution 3. That it will be well for the people of the North to understand, even at this late day, that the Southern States did not secede from the Union upon any question such as the mere preservation of the slave property of their citizens. But, that being free and sovereign States, they were resolved to preserve their freedom and their sovereignty. They were free to govern themselves as they, and not as others saw fit. They were free to change their government, to erect a new one, and to make whatever alliances they should choose. And after nearly four years of arduous war, these States are still unwavering in their resolution to preserve their freedom and their sovereignty, without which all else is valueless.

Resolution 4. That, could the present war and all its horrors be blotted out of our memories, our past experience, while in the Union, would warn us from any re-union with the people of the North. A written constitution adopted

by our ancestors and theirs, which contained, plainly worded guarantees of the rights of all; was by them and their sworn representatives deliberately and persistently violated to our injury, and finally, after years of discussion, when the question was understandingly before the people at large, they elected a Chief Magistrate with the purpose that he should destroy our liberties in disregard of the Constitution which he had sworn to support; thus exhibiting an instance of radical and wide spread national depravity, to the honor of human nature, never exhibited in the world before.

Resolution 5. But we could not, if we would, banish from our memories the inhumanities of this war. Our enemies have repudiated every principle of civilized warfare. They have withdrawn their felons from jails and Penitentiaries, have recruited from the scum of Europe, and armed our own slaves, in order to procure an army sufficiently atrocious for their purpose; and this army has been launched upon us with the declared object of our extermination. Poisoned weapons have been manufactured and used; exchange of prisoners has been refused until the success of our arms extorted a cartel, and the terms of this have been violated by them whenever the varying fortune of the field made it apparently advantageous to do so. Our countrymen when captured have been removed to rigorous climes, and subjected to every hardship, that thus they might be destroyed. Non-combatants have been murdered. Indiscriminate slaughter have been made upon tottering age and tender youth. Our chaste and defenceless women have been subjected to outrage worse than death. Peaceful villages have been bombarded, and happy homes plundered and burnt. Whole populations have been removed and bondaged to Northern masters. Desolation has marched with their armies. Religious services have been prohibited; ministers of the gospel of peace have been incarcerated and silenced, and sacrilegious hands have been laid upon our sacred altars. Lying to themselves, and pretending to the rest of the world that they are fighting the battles of freedom for four millions of happy and contented negroes, they are attempting the enslavement of eight millions of freemen. With devilish mockery of philanthropy, they have deluded and dragged these negroes from their comfortable homes to use them as screens from our weapons in the day of battle, and they have sent them by thousands to painful deaths by neglect, exposure and starvation. Words cannot express the malignity in their hearts or the atrocity of their deeds, exceeding, as they do, all that was ever conceived by men, from the Scythian down to the Comanche. Nor has this been the conduct of an unbridled soldiery merely. Those officers of their army who have surpassed the rest of the infamous, in infamy, have been rewarded with promotion by their Government. Nor has their Government been alone in identifying itself with these crimes. The people of the North have never failed, when the opportunity was presented, to render ovations to the most transcendent among the criminals, while their press has been constant in its laudation, and their orators and preachers have cried out "well done." Army, Government and people have united to make the name of Yankee, suggestive as it was before of fraud, now the synonym of barbarism and baseness.

Resolution 6. By the just pride of the manhood and the virtue which we claim as individuals and as a people; by the divine command which warns us not to walk in the way with the wicked; by the memory of our murdered dead; by the sight of the bereaved mothers, widows, sisters, daughters and orphans in our land; by the heart-brokenness of trampled virtue, and by our desolated hearths, we are forbidden to admit a thought of further association with the people of the North. Our heroic soldiers, the living, and the martyred dead, forbid it; and our trust in God forbids it.

Resolution 7. We declare that we are earnestly desirous of peace, but we say no less distinctly that it must be coupled with our independence.

And if the people of the United States be really disposed to terminate the war, they will best prove that disposition by making their proposition to the Government of the Confederate States, which alone can entertain it.

Resolution 8. That a copy of these resolutions be transmitted to the President of the Confederate States, to each of our Senators and Representatives in Congress, and to the Governor of each State in the Confederacy.

Approved Nov. 12th, 1864.

CHAPTER II.

Joint Resolution.

Be it Resolved by the Legislature of the State of Texas: That the Governor be and is hereby required, to discharge from service in the Frontier Organization, all persons now embraced in said organization, who were not bona fide citizens of the Frontier on the 1st day of July, 1863.

Approved, Nov. 15th, 1864.

CHAPTER III.

Joint Resolution, construing "An Act to require the Financial Agent of the State Penitentiary to settle his accounts quarterly with the State Comptroller," approved January 2d, 1862.

Whereas, There appears to be reason to apprehend a diversity of opinion between the Comptroller and the Financial Agent of the State Penitentiary concerning the manner of rendering accounts by the latter—now, in order to obviate any such difficulty, and to insure necessary information concerning all financial affairs of the Penitentiary,

Be it resolved by the Legislature of the State of Texas, That the true construction of said act enjoins on said Agent the duty of rendering accounts concerning other property as much as concerning money—by specific details of all receipts and disbursements, including every kind of disposal—by showing not only pecuniary balances, but also stocks of other property on hand—and by exhibiting appropriate vouchers.

And, to these ends; said act enjoins on the Comptroller, as he may consider necessary and proper, to prescribe the modes of making such accounts and rendering them—and to require of the Agent, that he observe such modes.

And further, that this resolution be in force from its adoption.

Approved, Nov. 15th, 1864.

CHAPTER IV.

Joint Resolution of thanks to the ninth regiment of Texas Infantry and other State troops.

Whereas, On the 4th day of June, 1864, the Congress of the Confederate States of America passed a resolution of thanks to the ninth regiment of Texas Infantry in the words following, to-wit:

"The Congress of the Confederate States of America do resolve, That the thanks of Congress are eminently due, and are hereby tendered to the ninth regiment of Texas Infantry for their patriotic conduct in re-enlisting for the war, and tendering their energies, lives and honor to the service of the Confederate States till it is ended and our independence achieved."

1. It is Resolved by the Legislature of the State of Texas, That his excellency the Governor, be requested to cause said resolution to be placed upon the executive records and filed amongst the archives of the State as a perpetual monument of their gallantry and patriotic devotion to their country.

2. Resolved, That the ninth regiment of Texas Infantry, on whose battle flag is emblazoned Shiloh, Perryville, Murphreesboro, Jackson, Chickamauga and Missionary Ridge, is not only entitled to the distinction bestowed upon it by Congress in said resolution, but it is eminently entitled to the thanks of the State of Texas, which are hereby cordially given to it for its gallant and heroic conduct on the above battle fields, on which it fully sustained the high reputation everywhere ascribed to Texas valor.

3. That it is with no feeling of partiality for the ninth regiment above that felt by us for every other regiment from Texas, that the foregoing resolutions are agreed to, but because the merits of this regiment have been especially called to our attention, and while we freely accord to the ninth regiment our admiration and esteem, yet we cannot refrain on such an occasion from giving expression to that fathomless gratitude which the powers of no language can convey, felt by every Texan for the gallantry, heroism and unconquerable devotion to our holy cause displayed on every field and under every vicissitude of trial and hardship by every Texas regiment. We feel that all have done their duty nobly. They are the representatives and upholders of the brightly accumulating glories that are fast gathering new lustre to adorn and make still more effulgent the halo of glory that surrounds the arms of Texas. We are proud of them. But their glory belongs not alone to Texas. It is shared in by our sister States, and makes the hearts of patriots leap with joy everywhere throughout the utmost bounds of civilization, and challenges the respect of our enemies, and fills the hearts of the oppressors of mankind with awe and terror.

4. That while no expression of ours can reach the silent resting-places of the heroic dead, we cannot but remember that we owe to them as much as to the living. They have consecrated in the hearts of their countrymen a gratitude that will be perpetuated as long as a love of liberty exists in the bosoms of men, and be as enduring as the pyramids of Egypt—more lasting than monuments of marble or brass, though capped with shafts that pierce the skies.

5. That we place our reliance firmly in the God of Hosts for the final success of our cause, and humbly trust that He will support our armies in every trial, shield them with His mighty arm in the terrible hour of battle, speedily give them victory and success, grant us peace and independence, and restore our absent heroes to their homes and loved ones.

6. That these Resolutions be published for the information of our troops.

Approved, Nov. 15th, 1864.

CHAPTER V.

Joint Resolution.

Resolved by the Legislature of the State of Texas, That the impressment of beef by the military authority, for the purpose of exporting the same to Mexico, is unwise as well as unlawful.

That it is upon the beef of Texas that a large portion of the army and people of the Confederate States are, in a great measure, to rely for subsistence.

That the wholesale impressment of beef now being made by the military authorities at the instance of the Government agents and contractors for the purpose of exporting the same to Mexico for speculative purposes, is calculated to destroy the stock interest of our State, and thereby greatly weaken the resources of our Confederacy.

That we respectfully request the commandant of the Trans-Mississippi Department to prohibit forthwith the impressment of beef for the purpose of exporting the same to Mexico. Also, that whenever there is a necessity for making impressments, to have the same done, in strict conformity with the law, and with due regard to the public interest.

That the Governor of this State forward a copy of this resolution to Gen. E. K. Smith, the President of the Confederate States, and to each of our Senators and Representatives in Congress.

Approved, Nov. 15th, 1864.

CHAPTER VI.

Joint Resolution concerning the laying of export duties on cotton.

Section 1. Be it Resolved by the Legislature of the State of Texas, That it being a prime object to realize through the cotton in the Confederacy the largest possible value with which to support this war, we say that the means to do so up to this time have not been adopted to that end. The military regulations and multifarious cotton orders, from time to time published, have broken up legitimate trade. The impressment and forced sale of the material has still further depreciated its value by rendering property in it uncertain. These regulations and orders were bad in themselves, but were still more disastrous because of the uncertainty attending them. No one could regulate his business by them, because they could be revoked in the next week or month. And, finally, the President of the Confederate States having, under the authority of an act of Congress, taken charge of the subject, has made regulations which he may suddenly change. The consequence of this management persevered in, cannot fail to be the cessation of production and with it all revenue derived from that source. Nor has this been the only evil resulting from this vicious system. General officers whose whole time is required in the field, are compelled to turn from their proper military duties to traffic. To superintend this traffic, large numbers of men are withdrawn from the army at a time when the service of every man is necessary. And, after all, the result is unprofitable, as always happens when a government enters the market depending upon numerous agents. A further consequence of this system has been, that the country, seeing the large outlay for cotton purchased and the small return, have become suspicious of speculation and convinced of mismanagement, and men who were at first willing to give their cotton to support the army, are now loth to sell it to any government agent.

That, to avoid the consequences of the present system, and to procure the largest amount of revenue, we recommend to the government of the Confederate States to desist from the purchase and impressment of cotton, from the impressment of teams engaged in hauling it, to leave private enterprise free to transport and export it, and to lay as heavy an export tax on it as it will bear, not to impair its production.

Approved, Nov. 15th, 1864.

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DEPARTMENT OF STATE, }

Austin, Texas, January 19th, 1865. }

I, R. J. Townes, Secretary of State for the State of Texas, do hereby certify, that I have compared the foregoing Laws and Joint Resolutions of the Second Called Session of the Tenth Legislature, with the originals now on file in the Department of State, and that they are true copies of such originals.

I further certify, that the said Second Called Session of the Tenth Legislature of the State of Texas, assembled on Monday, the 17th day of October, 1864, and adjourned on the 15th day of November, 1864.

In Testimony Whereof, have hereunto set my hand and affixed the Seal of the Department of State, the day and date above written.

[L. s.]

R. J. TOWNES.
Secretary of State.

SPECIAL LAWS

OF

THE TENTH LEGISLATURE
(SECOND EXTRA SESSION,)

OF

THE STATE OF TEXAS

BY AUTHORITY

AUSTIN
1865

SPECIAL LAWS.

CHAPTER I.

An Act to Incorporate the Osage Academy.

Section 1. Be it enacted by the Legislature of the State of Texas, That S. D. McLeary, F. M. Burford, M. Nave, C. C. Jones, W. Good and S. R. Dehart, trustees of the Osage Academy, situated in the county of Colorado, be, and they are hereby created a body corporate, under the name and style of the Osage Academy, and by that name may sue and be sued, plead and be impleaded, enact such by laws, rules and regulations as may be necessary for their government, purchase, hold and enjoy property of all kinds not to exceed in value two hundred thousand dollars, or may receive the same by donation for the benefit of said Academy, to convert said property into money and dispose of the same and shall have a common seal and shall have the power to confer any and all literary honors upon all students considered worthy to receive the same.

Sec. 2. That the rights and privileges herein granted shall extend to the trustees herein named and their successors, and they may elect from their own number, under such regulations as they may adopt and for such terms as they may see proper, a President, Secretary and Treasurer, or any other officer or agent necessary in the Board. They shall also have the power to construct such buildings as may be necessary for said Academy and to do all things necessary to the proper conduct and management of said Academy not contrary to the law or inconsistent with this charter.

Sec. 3. This act shall take effect from its passage and remain in force for twenty-five years.

Approved October 29th, 1864.

CHAPTER II.

An Act for the relief of Stephen W. Pipkin.

Section 1. Be it enacted by the Legislature of the State of Texas, That Stephen W. Pipkin, of the county of Chambers, be and he is hereby authorized to sue for and collect the interest due him upon the notes and mortgages held by him against G. M. Hardin.

Sec. 2. All laws and parts of laws forbidding the same are hereby suspended, so far as relates to this act, and no farther.

Approved, Nov. 3, 1864.

CHAPTER III.

An Act to change the name of Charles C. TenEyck to that of Charles Thomas Pelham.

Whereas, Charles Thomas Pelham, of Travis county, Texas, a member of Terry's regiment, eighth Texas cavalry, a hero in more than one hundred battles, and while charging the Yankees near Dalton, Ga., he nobly fell at the head of the regiment, on the 9th day of May, 1864, a sacrifice to the cause of his country; and, Whereas, The said Charles Thomas Pelham leaves no issue, and in consideration of his many acts of cool and daring courage, and heroic conduct on the battle field to perpetuate his name, therefore

Section 1. Be it enacted by the Legislature of the State of Texas, That the name of Charles C. TenEyck be, and the same is hereby changed to that of Charles Thomas Pelham.

Approved November 3d, 1864.

CHAPTER IV.

An Act for the relief of the heirs at law of Thomas Moore, deceased.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office of the State of Texas be, and he is hereby authorized and required to issue a patent to the heirs at law of Thomas Moore, deceased, for six hundred and forty acres of land, as surveyed and returned in his office from the Robinson Land District.

Sec. 2. That this act be in force from and after its passage.

Approved November 7th, 1864.

CHAPTER V.

An Act to incorporate the Bastrop Cotton and Wool Manufacturing Company.

Section 1. Be it enacted by the Legislature of the State of Texas. That A. J. Ward, P. R. Smith, S. S. Munger, Sherman Reynolds, and Kennor Rector, and their associates and successors be, and they are hereby created a body corporate and politic, under the name and style of "The Bastrop Manufacturing Company," situated in the town of Bastrop, for the purpose of manufacturing cotton and woolen fabrics, and by that name may sue and be sued, plead and be impleaded, and do and perform all other acts incident to corporations, for the furtherance of the above objects.

Sec. 2. The capital stock of said company shall not exceed the sum of two hundred thousand dollars, to be divided into shares of one hundred dollars each, said shares to be transferable by giving notice in writing to the Secretary of the company.

Sec. 3. That the buildings, lots, engine, spinning, and all the factory machinery of Ward, Munger & Co., in the town of Bastrop, now being put into operation by them, is hereby declared to be the property of the said Bastrop Manufacturing Company. Upon the said Ward, Munger & Co. executing to said Manufacturing Company the proper releases, and the proper officers of said Manufacturing Company, will issue to each of the above firm certificates of stock, for the amount they may respectively be entitled to.

Sec. 4. That as soon as practicable, after the passage of this act, the stock holders shall, on a day appointed for that purpose, and there being not less than two-thirds of the stock represented, elect a board of three directors, any two of whom shall constitute a quorum to do business, provided that no

one shall be eligible to a Directorship in said company who does not own at least ten shares in the same. Said board shall be elected by ballot and each share represented in person, or by proxy, shall be entitled to one vote. They shall, from their number, elect one to be President of the company who, with a Secretary, to be elected by said board, shall constitute the permanent officers of the company.

Sec. 5. The board of directors elected under this charter shall hold their offices until the first Monday in January next after their election, and on that day in each year thereafter a new election shall be had by the stock holders of the company, but in case of a failure to elect on that day, then the old board shall continue in office until a majority of the stockholders shall meet and elect their successors.

Sec. 6. The board of directors shall have the right to enact such by-laws and regulations as may be necessary for the transaction of their business.

Sec. 7. Said company may in their corporate name purchase and own slaves, wagons and teams, and such other personal property as may be useful for carrying on said business.

Sec. 8. That all contracts, deeds, releases, certificates of stock, &c., shall be signed by the President and countersigned by the Secretary of said company, and attested by the seal of the corporation.

Sec. 9. That this act take effect and be in force from its passage, and continue in force twenty-five years.

Approved November 7th, 1864.

CHAPTER VI.

An Act to provide for the exchange of so much of the old issue of the Treasury notes of the Confederate States, as is now or may be hereafter in the Treasury for the new issue as is authorized by the acts of Congress that now exist or may hereafter be passed.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Comptroller is authorized and required to exchange so much of the old issue of Treasury notes of the Confederate States now in, or which may hereafter come in the Treasury of the State for the new issue of the Treasury notes of the Confederate States, as is authorized by the acts of Congress that now exist or may hereafter be passed, in such case made and provided. That the Governor of the State and the Comptroller are hereby authorized and empowered to do and perform all things necessary to carry into effect the provisions of this act.

Sec. 2. So much of any law as may be inconsistent with the provisions of this act is hereby repealed.

Sec. 3. This act take effect from and after its passage.

Approved. Nov. 12th, 1864.

CHAPTER VII.

An Act to provide for the destruction of the Treasury Warrants, Coupons of the State Bonds, and Bonds of the State, that have been paid, or may hereafter be paid into the Treasury, and cancelled by the Treasurer and turned over to the Comptroller as vouchers.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Secretary of State and the Attorney General of the State shall act as Commissioners for the purpose of counting the Treasury warrants, coupons of the State bonds and bonds of the State that are now or may hereafter be paid into the

treasury or be in the hands of the Comptroller for cancellation, and shall compare the same with the books of the Comptroller and Treasurer. If, upon examination, they find such treasury warrants, coupons and bonds to correspond with the books of the Comptroller and Treasurer, said Commissioners are required to destroy the same by burning, and shall give the Comptroller a certificate for the amount of each class so destroyed, which certificate or certificates shall be a voucher or vouchers in the hands of the Comptroller for the warrants, coupons and bonds so destroyed. The Commissioners shall, from time to time, report to the Governor their action and the amounts of the liabilities of the State thus destroyed.

Sec. 2. The Comptroller shall keep a complete register of each warrant, coupon and bond cancelled and destroyed under the provisions of this act. This act to be in force from its passage.

Approved, Nov. 12th, 1864.

CHAPTER VIII.

An Act to allow Assessors and Collectors and Chief Justices to purchase Stationery at the Comptroller's Office.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Assessors and Collectors of Taxes and Chief Justices be authorized and allowed to purchase stationery in such amounts as may be necessary to accomplish the ends of their offices, at the Comptroller's department, when there shall be any on hand, at what it will cost the State to procure and transport the same to the capitol.

Sec. 2. That this act take effect from and after its passage.

Approved, Nov. 12th, 1864.

CHAPTER IX.

An Act for the relief of the heirs of John B. H. Jones, deceased.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Administrator of the estate of John B. H. Jones, deceased, of Polk county, Texas, be and is hereby authorized to exchange a negro boy, belonging to said estate, to-wit: Dick, aged about 15 years, for a negro girl or woman of equal value: Provided, That an account of said exchange shall be returned to the Probate Court in writing, and under oath, subject to the approval of the Chief Justice.

Sec. 2. The above named act shall take effect and be in force from and after its passage.

Approved, Nov. 12th, 1864.

CHAPTER X.

An Act to authorize the Comptroller to Audit and Settle the claims of L. P. Strong, for subsisting the Tonkaway Indians from the 16th day of December, 1863, to the 1st day of July, 1864.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Comptroller be, and he is hereby authorized and required to, audit and settle the claims of L. P. Strong, for subsisting the Tonkaway Indians from the 16th day of Dec. 1863, to the 1st day of July, 1864, provided the said claims shall be approved by the Governor.

Sec. 2. That so much as may be necessary of the unexpended balance of the appropriation made by an Act entitled "An Act for the relief of the Tonkaway Indians," approved December 16th, 1863, be and the same is hereby appropriated for the payment of said claims; and that this Act take effect from its passage.

Approved, Nov. 14, 1864.

CHAPTER XI.

An Act supplemental to and amendatory of an Act entitled an Act to incorporate the Guadalupe Manufacturing Company, approved May 28th, 1864.

Section 1. Be it enacted by the Legislature of the State of Texas, That the 2d section of the above recited act shall hereafter read as follows, to-wit: Sec. 2. That the said company are hereby created with the right to own, erect, maintain and carry on a factory for the purpose of manufacturing cotton and woolen rolls, and cloth of any and all kinds, and said company shall also have the privilege of running, in connection with said factory, a grist and flouring mill and saw mill, and any other machinery for the manufactory of any other articles, when it does not conflict with the successful operations of the manufacturing department

Sec. 2. That this act take effect and be in force from and after its passage.

Approved, Nov. 14th, 1864.

CHAPTER XII.

An Act to incorporate the Houston Paper Mill Manufacturing Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That Paul Bremond, Willard Richardson, E. H. Cushing, Abram Groesbeck and J. T. Brady and their associates and successors, are hereby created a body corporate and politic, by the name and style of the Houston Paper Mill Manufacturing Company, with power to sue and be sued, plead and be impleaded, to acquire, hold and convey personal property, and such real estate as may be necessary to carry out the purposes of the corporation, to have succession and a common seal, and to do such other things as are necessary to carry out the purposes of this act.

Sec. 2. That said company be, and is hereby established with the right to erect, own and operate machinery and buildings, and locate the same in such portions of the State as said company may deem most advisable for the manufacture of paper.

Sec. 3. That the capital stock of said company shall be divided into shares of one hundred dollars each, and the holders of said shares shall constitute said company, and said capital stock shall not exceed one hundred thousand dollars.

Sec. 4. That the affairs of said company shall be conducted by a board of directors, not less than three nor more than five, composed of the stockholders. A majority of said board of directors shall constitute a quorum to do business, and shall continue in office until there be an election, the time for which may be fixed by said board.

Sec. 5. That the parties named in the first section of this act, are hereby invested with the right to organize said company, and may enact

such by-laws for their government as they may, from time to time, deem necessary and proper, and shall have all such rights and privileges as are by law incident to, or necessary for corporations of this character.

Sec. 6. That this act take effect from and after its passage and continue in force for a period of twenty years.

Approved, Nov. 14th, 1864.

CHAPTER XIII.

An Act amendatory of an Act to revive and continue in force an Act entitled an Act to incorporate the Galveston and Houston Junction Railroad company, approved April the 8th, 1861, and to amend said Act, approved Feb. 25th, 1863.

Section 1. Be it enacted by the Legislature of the State of Texas, That section 3d of said act, approved Feb. 25th, 1863, be, and is hereby so amended as to read as follows, to-wit: Said company shall complete said road and make said connection between the Galveston, Houston and Henderson and Texas Central Railroads of the same gage of those roads within twelve months from the passage of this act.

Sec. 2. That all laws and parts of laws conflicting with the provisions of this act, be, and the same is hereby repealed.

Sec. 3. That this act take effect and be in force from and after its passage.

Approved, Nov. 14th, 1864.

CHAPTER XIV.

An Act to amend the 5th section of an Act to incorporate New Braunfels Academy, passed Feb. 5th, 1858.

Section 1. Be it enacted by the Legislature of the State of Texas, That the 5th section of an act to incorporate New Braunfels Academy, passed Feb. 5th, 1858, be so amended as to hereafter read as follows: Sec. 5th. That the corporate authorities of the city of New Braunfels shall have authority in their discretion to levy and collect a special tax upon all persons and property within the corporate limits of said city, and subject to taxation by the State for the support of the institution hereby incorporated, and the public schools of the city of New Braunfels, which tax shall not in any year exceed the rate of State tax for such year, and shall be levied and collected in like manner as other corporate taxes of said city are, and when collected, shall be paid over to the Treasurer of the county, and by him paid over, pro rata, to the different public schools of the city of New Braunfels, in proportion to the number of pupils taught therein.

Sec. 2. This act to take effect from its passage.

Approved, Nov. 14th, 1864.

CHAPTER XV.

An Act to incorporate the Houston City Mills Manufacturing Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That T. W. House, C. S. Longcope, A. Sessums, P. Bremond, Wm. Brady, W.

J. Hutchins, William R. Baker, A. J. Burke and William Anders and their associates and successors be and the same are hereby declared and constituted a body politic under the name and style of the Houston City Mills Manufacturing Company with capacity to own property, both real and personal, to make contracts, to have succession and a common seal, and to make by-laws for its government, and in its corporate name to sue and be sued, to grant and receive and generally to do and perform such acts and things necessary and proper for, and incident to, the fulfillment of its objects, or maintainance of its rights under this act, and consistent with the constitution and laws of the State of Texas.

Sec. 2. That the said company be, and is hereby established with the right to own and erect buildings and machinery and operate the same in or near the city of Houston, for the manufacturing of cotton and woolen goods, and such other articles as said company may at any time choose to manufacture.

Sec. 3. That the capital stock of said company shall be divided into shares of five hundred dollars each, and the holders of the shares shall constitute said company, and said capital stock shall not exceed five hundred thousand dollars.

Sec. 4. That the affairs and business of said company shall be conducted by a Board of Directors of not less than three nor more than five, who shall be elected by the stock holders, at their organization under this act, and annually thereafter, provided, that in case of failure to elect at the stated time or times, that the Board of Directors incumbent shall continue in office until there be an election, the time for which may be fixed by said Board, of which a reasonable notice may be given.

Sec. 5. No person shall be eligible to the office of Director, unless he is the owner of five shares. The said Board shall elect a President from their own number, fill vacancies and appoint such officers as they may deem necessary, and require bond and security for the faithful performance of their duty, and to do generally, or cause to be done, all other acts and things which they shall deem proper in conducting the affairs of said company: a majority of the Board of Directors shall constitute a quorum to do business.

Sec. 6. That the parties named in this act are hereby appointed commissioners and empowered to organize said company, and that this charter shall expire at the end of twenty-five years.

Approved, Nov. 14th, 1864.

CHAPTER XVI.

An Act supplementary to an Act entitled an Act to amend the 3d section of an Act to incorporate the Dallas Bridge Company, approved Dec. 11th, 1861.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Dallas Bridge Company, incorporated by act of the 9th of February, 1860, and the 3d section of which act was amended by act of Dec. 11th, 1861, shall have three years after the termination of the existing war between the United States and the Confederate States of America, in which to complete said bridge and causeway in said act mentioned.

Sec. 2. That this act take effect from and after its passage.

Passed, Nov. 12th, 1864.

CHAPTER XVII.

An Act to relieve James H. Benton and Samuel R. Shepherd, of Panola county, Samuel G. Haynes, of Bell County and Leonidas Moody Bragg, of Grimes County, Texas, from the disability of minority.

Section 1. Be it enacted by the Legislature of the State of Texas, That James H. Benton and Samuel R. Shepherd, of Panola County, Texas, and Samuel G. Haynes, of Bell County, Texas, and Leonidas Moody Bragg, of Grimes county, Texas, be, and they are each relieved from the disability of minority, and empowered to contract and do and perform all acts, as if they were of full age.

Sec. 2. That this act take effect and be in force from after its passage.

Approved, Nov. 15th, 1864.

, CHAPTER XVIII.

An Act to incorporate the Southern Minerva Institute.

Section 1. Be it enacted by the Legislature of the State of Texas, That J. S. Holman, G. W. White, Joseph Harrell, L. D. Carrington, W. A. Morris, J. H. Lightfoot, and their associates and successors in office, are hereby constituted a Board of Trustees for the Female Institute, established at Austin, in Travis County, Texas, and which is by this act incorporated by the name and style of The Southern Minerva Institute, and by that name may sue and be sued, plead and be impleaded, enact by-laws, rules and regulations, purchase, hold and enjoy property of all kinds, not to exceed in value \$200,000, or receive the same by donation, for the benefits of said Institute; may exchange or convert said property into money and dispose of the same; may have a common seal for the transaction of business, and the Board of Trustees shall have the power to confer "degrees" and literary honors upon all students considered by the faculty worthy to receive the same.

Sec. 2. That the rights and privileges herein granted shall extend to the trustees herein named, their associates and successors, and they may elect from their own number under such regulations as they may adopt, and for such terms as they may see proper, a President, Secretary and Treasurer, or any other officer or agent necessary in the Board. They shall also have the power to construct such buildings as may be necessary, and to do all things necessary to the proper conduct and management of said Institute, not contrary to the law or inconsistent with this charter.

Sec. 3. That this act take effect and be in force from and after its passage, and remain in force for twenty-five years.

Approved, Nov. 15th, 1864.

CHAPTER XIX.

An Act to incorporate the Holly Springs Manufacturing Company.

Section 1. Be it enacted by the Legislature of the State of Texas. That Martin D. Rogers, Alfred Emmert, Charles D. McKnight, Peter M. Gunstream and Howard Keyes and their associates and successors, are hereby created a body corporate and politic, under the name and style of the Holly Springs Manufacturing Company, and by that name may sue and be

sued, plead and be impleaded in any of the courts of this State. They shall, by their corporate name, be capable of contracting and being contracted with, and of acquiring, by purchase, donation, or otherwise, real and personal estate, and of selling and conveying the same, or any part thereof, as the said corporation may deem fit, provided, however, the said corporation shall not acquire, or hold, more real estate than is necessary for the purposes of said corporation in constructing and carrying on their corporate business.

Sec. 2. Said company may manufacture cotton and woolen fabrics, cotton yarns, wool rolls, and other fabrics that may be useful to the country.

Sec. 3. The capital stock shall be five hundred thousand dollars to be divided into shares of one hundred dollars each.

Sec. 4. When one hundred thousand dollars shall be subscribed, the stockholders may elect four Directors, who shall hold their office for two years, said Directors may proceed to elect one of their number President, who shall hold his office for and during two years.

Sec. 5. That when a suit shall be brought against the company, it shall be sufficient to execute process, on the President, either in person or by leaving a copy at the office of the company, with some white person attached to the company over the age of eighteen years.

Sec. 6. Be it further enacted that this act shall take effect and be in force for and during twenty years from its passage.

Approved, Nov. 15th, 1864.

CHAPTER XX.

An Act to authorize the Governor of the State to dispose of certain property not necessary for public use.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Governor be, and he is hereby authorized to dispose of all property not necessary for the public use belonging to the State which remained on hand after the transfer of the Frontier Regiment.

Sec. 2. That said property shall be sold at auction for State Treasury Warrants at such time and places as the Governor may deem proper.

Sec. 3. That in the event the contract between the State and Confederate authorities, by which a large amount of said property was conveyed to the Confederate government, should be cancelled, and the property returned to the State, such property shall be sold as above provided.

Sec. 4. That this act take effect from and after its passage.

Approved, Nov. 15th, 1864.

CHAPTER XXI.

Aa Act to incorporate the Austin Iron Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That W. S. Read, James F. Allen, Wm. Griffiths, Wm. G. Reeves, and George Young, and their Associates and successors, be and the same are hereby created a body corporate, under the name and style of the Austin Iron Company, with capacity to own property, real, personal and mixed, in such quantities as may be necessary, for the legitimate purposes of this corporation, to make contracts, have a common seal, establish by-laws, for its

government, and in their corporate name to sue and be sued, to grant and receive, and generally to do and perform such things and acts as may be essential and incident to the fulfillment of their objects, or in the maintenance of their rights under this act, and not inconsistent with the constitution of this State.

Sec. 2. That said company is hereby created with the right to erect, own and maintain and carry on a manufactory of iron and steel of every description whatever, and all other articles of which iron or steel forms a part, at such place or places as said company may select in the counties of Bastrop, Llano, Travis or Burnet, in this State.

Sec. 3. The capital stock of said company shall be divided into shares of one hundred dollars each, and the holders of such shares shall constitute said company, and the capital stock of said company shall not exceed one million of dollars.

Sec. 4. The business of said company shall be conducted by a Board of Directors of not less than three nor more than five, chosen by the stock holders out of their number at such time and place as the corporators herein mentioned, or a majority of them may prescribe, and annually thereafter, provided, that in case of failure to elect at the stated time the Board of Directors incumbent shall hold their office until there be an election, the time and place for which may be fixed by said Board, of which there shall be reasonable notice given of not less than twenty days.

Sec. 5. That no person shall be eligible as Director, unless he be a member of said Company. The Board shall elect from their own number a President, fill vacancies and appoint such officers as they may deem necessary, and exact security for the faithful performance of their duties, and fix the time for the payment of installments, to declare forfeitures of stock for non-payment, and to do and perform all things which they may deem necessary to a successful prosecution of the business of the company. A majority of said Board of Directors shall constitute a quorum to do business.

Sec. 6. The members of said company shall be entitled to the benefits of any Bonus, Loan, or other benefits, that may be granted to companies or individuals, who engage in the manufacture of iron by any law heretofore or hereafter passed.

Sec. 7. That the parties named in the 1st Sec. of this act are hereby invested with the right to organize said company, and that this charter shall expire at the end of twenty-five years, and that this act shall take effect from and after its passage.

Approved, Nov. 15th, 1864.

CHAPTER XXII.

An Act to relieve Zepheniah McMillon of the disability of minority.

Section 1. Be it enacted by the Legislature of the State of Texas, That Zepheniah McMillon, a minor, resident of the county of Anderson, State of Texas, be, and he is hereby relieved of the disability of minority, and declared of full and lawful age for all purposes of managing and controlling his own property, and subject to all the legal liabilities appertaining to the same.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved, Nov. 15th, 1864.

CHAPTER XXIII.

An Act for the relief of Luke A. Falvell.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Comptroller be, and he is hereby directed to audit th claim of Luke A. Falvell for the sum of five thousand and twenty-two dollars and twenty-one cents (\$5,022,21) for services as sailing-master in the navy of the late Republic of Texas.

Sec. 2. That the sum of five thousand and twenty-two dollars and twenty-one cents be, and the same is hereby appropriated for the payment of the same out of any money in the treasury not otherwise appropriated, said payment to be made in the new issue of Confederate Treasury Notes.

Sec. 3. This act take effect and be in force from and after its passage.

Passed, Nov. 15th, 1864.

CHAPTER XXIV.

An Act to authorize the County Court of Galveston County to borrow money to support the Indigent Persons of said County.

Section 1. Be it enacted by the Legislature of the State of Texas, That the County Court of Galveston County be, and the same is hereby authorized and empowered, to borrow money for the purpose of supporting the indigent persons of said county, and to this end they may order the execution of the bonds of said county by the proper officers thereof, and sell the same to the amount of twenty thousand dollars; said bonds shall express the purpose for which they shall be executed, in order that the owners thereof may be entitled to the benefits of the provisions of this act, and it shall be the duty of the County Court of said county within the four years following the declaration of a treaty of peace between the Confederate States of America and the United States of America, to levy and collect a special tax each year, sufficient to pay the interest falling due on the bonds, and one-fourth of the principal thereof, which, when collected, shall be paid by the Treasurer of said county to the owners of said bonds.

Sec. 2. That this act shall be of force from its passage.

Approved, November 15th, 1864.

JOINT RESOLUTIONS.

CHAPTER I.

JOINT RESOLUTION.

Whereas, Messrs. G. W. Johnson and Samuel Hayford have recently invented a machine for carding Cotton Rolls, and said machine has been tested and found to be a complete success, and, Whereas, It is confidently believed that said machine will prove to be of great utility to the country in supplying the place of, and in a great measure superceding the necessity for cotton cards, and thereby save an immense outlay of money to the State and the people. And, Whereas, It is believed that said machine will prove a successful means of furnishing clothing for the soldiers in the army. Therefore,

Be it resolved by the Legislature of the State of Texas, That the Gen'l Commanding the Trans-Mississippi Department be, and he is hereby requested to, grant permanent details to said G. W. Johnson and Samuel Hayford of Austin County, Texas, for the purpose of manufacturing and putting into operation their said invention for carding Cotton Rolls, and that he be further requested to grant details to such other skilful mechanics in the different Counties of this State, as the respective County Courts may certify to be necessary for introducing, constructing and putting into operation said machine. Resolved further, That the Governor of the State of Texas, transmit a copy of these Resolutions to the General Commanding the Trans-Mississippi Department.

Approved Nov. 3, 1864.

CHAPTER II.

Joint Resolution on the Death of Gen. John Gregg.

Whereas, The Legislature of the State of Texas have heard with profound regret the death of Gen. John Gregg, who fell leading his brigade against the country's foe, therefore be it

Resolved, That in the death of Gen. Gregg the State mourns the loss of another of her bravest sons and best patriots, and will ever cherish with pride the memory of his noble deeds.

Resolved, further, That we deeply sympathize with the family of General John Gregg in their loss and bereavement, and hereby tender to them our hearty sympathy, and with theirs mingle our sorrow and grief.

Resolved, That the Governor forward a copy of the foregoing to Mrs. General Gregg.

Approved November 8th, 1864.

CHAPTER III.

Joint Resolution Concerning the Books of the Military Board.

Be it resolved by the Legislature of the State of Texas, That the Special Joint Committee on the Military Board be, and they are hereby authorized to employ a suitable person to balance the books of the Military Board containing the entries of the Board to April, 1864.

Approved Nov. 12th, 1864.

CHAPTER IV.

Joint Resolutions Concerning the Distribution of Certain Medicines.

1. Be it Resolved by the Legislature of the State of Texas, That the following medicines now in possession of the Military Board, to-wit: Four hundred ounces of quinine, two hundred and seventy-five pounds of opium, seventy-five ounces of morphine and forty-one and two-thirds gross of Wright's pills, be distributed by the said Board to the county courts of the several counties of the State upon the basis, as nearly as may be, of the indigent lists, now required to be furnished by the county courts to the Comptroller of the State.

2. That, upon application of any Chief Justice of any county in this State, the said Military Board is hereby instructed to deliver to him, or to his authorized agent, the quota of medicines to which his county may be entitled, on his giving a proper receipt for the same.

3. That it shall be the duty of the said county courts to apply for the quota of medicines to which their respective counties may be entitled under the provisions of these resolutions, at the expense of said counties; and when received, they shall cause the same to be distributed gratuitously to such persons in their respective counties, as they may believe to have the greatest need for the same, and in the manner that they may judge best calculated to promote the object of these Resolutions, giving the preference, as far as may be, to the indigent families of absent soldiers.

4. That in case any member of this Legislature may be willing to take charge of the quota of medicines to which the county or counties represented by him may be entitled under these resolutions, he shall be permitted to do so, upon giving his receipt for the same to the Military Board, which medicines, so received, shall be delivered free of charge and with as little delay as possible to the county court of the proper county.

5. In case the county court of any county shall fail or neglect to, apply for the quota of medicines to which such county may be entitled, under the provisions of these resolutions, for the space of three months after the adjournment of the present session of the Legislature, the Military Board is hereby directed to cause the medicines to which such county or counties may be entitled, to be sold at public auction to the highest bidder for cash.

after giving ten days notice of the time and place of such sale in a public newspaper, printed in the city of Austin, and the proceeds of such sale shall be deposited by the said Military Board, in the State Treasury, to the credit of the county or counties entitled to the same.

Approved Nov. 12th, 1864.

CHAPTER V.

Joint Resolution in Relation to Cotton and Wool Cards.

1. Be it resolved by the Legislature of the State of Texas, That the wool cards now in the hands of the Military Board be, and the same are hereby donated to the several counties of this State, and distributed among them, on the basis of the indigent lists required by existing law to be made by the County Courts to the Comptroller.

2. That the County Courts of the several counties receiving cards under this resolution shall transport the same from the City of Austin to their several county seats, at their own expense, and distribute them first, without charge, to indigent dependents of soldiers who will use them, and, secondly, if any remain, to be sold by the courts in such manner as they deem best, and the proceeds thereof applied to the support of indigent families and dependents of Texas soldiers.

3. The Governor, or the Military Board, shall cause notice to be given to the several Chief Justices of the number of cards due their counties under this resolution, and if any county does not call for and receive the cards due it within ninety days from date of receiving notice as aforesaid, the Governor, or the Military Board shall cause the same to be sold in the City of Austin, in such way, and for such currency as such County Court may direct, and the proceeds of such sale paid to said County Court, on its order.

4. That this Joint Resolution take effect from its passage, and the members of the Legislature shall be authorized to receive and receipt for the cards due the counties they represent.

Approved, November 15th, 1864.

CHAPTER VI.

Joint Resolution.

Be it resolved by the Legislature of the State of Texas, That our Senators in Congress be instructed and our Representatives requested to use their exertions to procure the passage of a law, authorising soldiers and officers in our army or their families, to purchase supplies of provisions and the raw material for clothing, whenever there may be a surplus on hand, from Commissaries, Quartermasters and Collectors of Tax in Kind, at Schedule prices, in such quantities as may be absolutely necessary for their support.

Approved Nov. 15th, 1864.

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DEPARTMENT OF STATE, }
Austin, Texas, January 19th, 1865. }

I, R. J. Townes, Secretary of State for the State of Texas, do hereby certify, that I have compared the foregoing Laws and Joint Resolutions of the Second Called Session of the Tenth Legislature, with the originals now on file in the Department of State, and that they are true copies of such originals.

I further certify, that the said Second Called Session of the Tenth Legislature of the State of Texas, assembled on Monday, the 17th day of October, 1864, and adjourned on the 15th day of November, 1864.

In testimony whereof, have hereunto set my hand, and affixed the seal of the Department of State, the day and date above written.

[L. s.]

R. J. TOWNES,
Secretary of State.

THE CONSTITUTION AS AMENDED,
AND
ORDINANCES OF THE CONVENTION OF 1866,
TOGETHER WITH THE PROCLAMATION OF THE GOVERNOR DECLARING
THE RATIFICATION OF THE AMENDMENTS
TO THE CONSTITUTION
AND THE
GENERAL LAWS
OF THE
REGULAR SESSION OF THE ELEVENTH LEGISLATURE
OF THE
STATE OF TEXAS.

BY AUTHORITY.

AUSTIN
1866

THE CONSTITUTION

OF

THE STATE OF TEXAS.

We the people of Texas, acknowledging with gratitude the Grace of God in permitting us to make choice of our form of government, do ordain and establish this Constitution.

ARTICLE 1.—BILL OF RIGHTS.

That the general, great, and essential principles of Liberty and Free Government may be recognized and established we declare that—

Section 1. All political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit; and they have at all times the unalienable right to alter, reform or abolish their form of government, in such manner as they may think expedient.

Sec. 2. All freemen, when they form a social compact, have equal rights; and no man, or set of men, is entitled to exclusive separate public emoluments or privileges, but in consideration of public services.

Sec. 3. No religious test shall ever be required as a qualification to any office or public trust in this State.

Sec. 4. All men have a natural and indefeasible right to worship God according to the dictates of their own consciences; no man shall be compelled to attend, erect, or support any place of worship, or to maintain any ministry against his consent: no human authority ought, in any case whatever, to control or interfere with the rights of conscience in matters of religion; and no preference shall ever be

given by law to any religious societies or mode of worship. But it shall be the duty of the Legislature to pass such laws as (may) shall be necessary to protect every religious denomination in the peaceable enjoyment of their own mode of public worship.

Sec. 5. Every citizen shall be at liberty to speak, write or publish his opinions on any subject, being responsible for the abuse of that privilege: and no law shall ever be passed curtailing the liberty of speech or of the press.

Sec. 6. In prosecutions for the publication of papers investigating the official conduct of officers, or men, in a public capacity or when the matter published is proper for public information, the truth thereof may be given in evidence. And in all indictments for libels, the jury shall have the right to determine the law and the facts, under the direction of the court, as in other cases.

Sec. 7. The people shall be secure in their persons, houses, papers, and possessions from all unreasonable seizures or searches; and no warrant to search any place or to seize any person or thing, shall issue, without describing them as near as may be, nor without probable cause, supported by oath or affirmation.

Sec. 8. In all criminal prosecutions, the accused shall have a speedy public trial, by an impartial jury; he shall not be compelled to give evidence against himself; he shall have the right of being heard by himself or counsel, or both; shall be confronted with the witnesses against him, and shall have compulsory process for obtaining witnesses in his favor: and no person shall be holden to answer for any criminal charge, but on indictment or information except in cases arising in the land or naval forces, or offences against the laws regulating the militia; *provided, that in criminal prosecutions, the punishment whereof shall be fine not exceeding one hundred dollars, and imprisonment not exceeding thirty days, or either, or any less punishment, the accused may be tried for the same by a jury, or otherwise as the Legislature may provide.*

Sec. 9. All prisoners shall be bailable by sufficient sureties, unless for capital offences, when the proof is evident; but this provision shall not be so construed as to prohibit bail after indictment found, upon an examination of the evidence by a Judge of the Supreme or District Court, upon the return of a writ of habeas corpus returnable in the county where the offence is committed, *or to such other Counties as the same may by consent of parties be made returnable.*

Sec. 10. The privileges of the writ of habeas corpus shall not

be suspended, except when in case of rebellion or invasion the public safety may require it.

Sec. 11. Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishment inflicted. All courts shall be open, and every person, for injury done him in his lands, goods, person, or reputation, shall have remedy by due course of law.

Sec. 12. No person, for the same offence, shall be twice put in jeopardy of life or limb, nor shall a person be again put upon trial for the same offence after a verdict of not guilty; and the right of trial by jury shall remain inviolate.

Sec. 13. Every citizen shall have the right to keep and bear arms, in the lawful defence of himself or the State.

Sec. 14. No bill of attainder, *ex post facto* law, retroactive law, or any law impairing the obligation of contracts, shall be made, and no person's property shall be taken or applied to public use, without adequate compensation being made, unless by the consent of such person.

Sec. 15. No person shall ever be imprisoned for debt.

Sec. 16. No citizen of this State shall be deprived of life, liberty, property, or privileges, outlawed, exiled, or in any manner disfranchised, except by due course of the law of the land.

Sec. 17. The military shall at all times be subordinate to the civil authority.

Sec. 18. Perpetuities and monopolies are contrary to the genius of a free government, and shall never be allowed; nor shall the law of primogeniture or entailments ever be in force in this State.

Sec. 19. The citizens shall have the right in a peaceable manner, to assemble together for their common good, and to apply to those invested with the powers of government for redress of grievances, or other purposes, by petition, address or remonstrance.

Sec. 20. No power of suspending laws in this State shall be exercised, except by the Legislature or its authority.

Sec. 21. To guard against transgression of the high powers herein delegated, we declare that everything in this "Bill of Rights" is excepted out of the general powers of government, and shall forever remain inviolate, and all laws contrary thereto, or to the following provisions, shall be void.

ARTICLE II.—DIVISION OF THE POWERS OF GOVERNMENT.

Section 1. The powers of the Government of the State of Texas

shall be divided into three distinct departments, and each of them be confined to a separate body of magistracy—to-wit: those which are legislative to one, those which are Executive to another, and those which are judicial to another; and no person, or collection of persons, being of one of those departments, shall exercise any power, properly attached to either of the others, except in the instance herein expressly permitted.

ARTICLE III.—LEGISLATIVE DEPARTMENT.

Section 1. Every free male person who shall have attained the age of twenty-one years, and who shall be a citizen of the United States, and shall have resided in this State one year next preceding an election, and the last six months within the district, county, city or town in which he offers to vote, (Indians not taxed, Africans and descendants of Africans excepted,) shall be deemed a qualified elector; and should such qualified elector happen to be in any other county situated in the district in which he resides at the time of an election, he shall be permitted to vote for any district officer; provided, that the qualified electors shall be permitted to vote anywhere in the State for State officers; and provided further, that no soldier, seaman or marine, in the army or navy of the United States, shall be entitled to vote at any election created by this Constitution.

Sec. 2. Electors in all cases shall be privileged from arrest during their attendance at elections, and in going to and returning from the same, except in cases of treason, felony or breach of the peace.

Sec. 3. The Legislative powers of this State shall be vested in two distinct branches, the one to be styled the Senate, and the other the House of Representatives, and both together the "Legislature of the State of Texas." The style of all laws shall be, "Be it enacted by the Legislature of the State of Texas."

Sec. 4. The members of the House of Representatives shall be chosen by the qualified electors, and their term of office shall be two years from the day of the general election, and the sessions of the Legislature shall be biennial at such times as shall be prescribed by law.

Sec. 5. No person shall be a representative unless he be a *white* citizen of the United States, *and shall be a qualified elector at the time of his election, and a resident of the State for five years next preceding his election, and the last year thereof a citizen of the county, city, town or district for which he shall be chosen.*

Sec. 6. All elections by the people shall be held at such time and places in the several counties, cities or towns as are now or may hereafter be designated by law.

Sec. 7. The Senators shall be chosen by the qualified electors for the term of four years, and shall be divided by lot into two classes as nearly equal as can be. The seats of senators of the first class shall be vacated at the expiration of the first two years, and of the second class at the expiration of four years, so that one-half thereof shall be chosen biennially thereafter.

Sec. 8. Such mode of classifying new additional Senators shall be observed, as well as nearly as possible, preserve an equality of number in each class.

Sec. 9. When a Senatorial District shall be composed of two or more counties, it shall not be separated by any county belonging to another district.

Sec. 10. No person shall be a Senator unless he be a *white* citizen of the United States, *and shall have been a qualified elector of this State at the time of his election, and a resident of the State five years next preceding the election*, and the last year thereof a resident of the district for which he shall be chosen, and have attained the age of thirty years.

Sec. 11. The House of Representatives, when assembled, shall elect a speaker and its other officers, and the Senate shall choose a President for the time being, and its other officers. Each House shall judge of the qualifications and elections of its own members; but contested elections shall be determined in such manner as shall be directed by law; two-thirds of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members in such manner and under such penalties as each House may provide.

Sec. 12. Each House may determine the rules of its own proceedings, punish members for disorderly conduct, and with the consent of two-thirds, expel a member, but not a second time for the same offence.

Sec. 13. Each House shall keep a journal of its own proceedings, and publish the same, and the yeas and nays of the members of either House on any question shall, at the desire of any three members present, be entered on the journal.

Sec. 14. When vacancies happen in either House, the Governor, or the person exercising the power of the Governor, shall issue writs of election to fill such vacancies: *and should the Governor fail to issue a writ of election to fill such vacancies, the returning officer*

for the district or county shall be authorized to order an election for that purpose.

Sec. 15. Senators and Representatives shall, in all cases, except in treason, felony, or breach of the peace, be privileged from arrest during the session of the Legislature, and in going to and returning from the same, allowing one day for every twenty miles such member may reside from the place at which the Legislature is convened.

Sec. 16. Each House may punish, by imprisonment, during the sessions, any person not a member, for disrespectful or disorderly conduct in its presence, or for obstructing any of its proceedings, providing such imprisonment shall not, at any one time, exceed forty-eight hours.

Sec. 17. The doors of each House shall be kept open.

Sec. 18. Neither House shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting, without the concurrence of both Houses.

Sec. 19. Bills may originate in either House, and be amended, altered or rejected by the other; but no bill shall have the force of a law, until on three several days it has been read in each House, and free discussion be allowed thereon, unless, in case of great emergency, four-fifths of the House in which the bill shall be pending, may deem it expedient to dispense with this rule; and every bill having passed both Houses shall be signed by the Speaker and President of their respective House.

Sec. 20. All bills for raising revenue shall originate in the House of Representatives, but the Senate may amend or reject them as other bills.

Sec. 21. After a bill or resolution has been rejected by either branch of the Legislature, no bill or resolution containing the same substance, shall be passed into a law during the same session.

Sec. 22. Each member of the Legislature shall receive from the Public Treasury a compensation for his services, which may be increased or diminished by law; but no increase of compensation shall take effect during the session at which such increase shall be made.

Sec. 23. No Senator or Representative shall, during the term for which he may be elected, be eligible to any office of profit under this State which shall have been created, or the emoluments of which may have been increased during such term; and no member of either House of the Legislature, during the term for which he is elected, *although he may resign his seat as such member, shall*

be eligible to any office or place, the appointment to which may be made in whole, or in part, by either branch of the Legislature. *Nor shall members of either House vote for a member of their own body, though he resign his seat in the same, for Senator in the Congress of the United States.* Nor shall members thereof be capable of voting for a member of their own body for any office whatever, except it be *for Speaker of the House of Representatives, and President for the time being of the Senate, who shall be elected from their respective bodies.*

Sec. 24. No Judge of any Court of law or equity, Secretary of State, Attorney General, Clerk of any Court of Record, Sheriff or Collector, or any person holding a lucrative office under the United States or this State, or any foreign government, shall be eligible to the Legislature, nor shall at the same time hold or exercise any two offices, agencies or appointments of trust or profit under this State; provided, that the officers of the militia, to which there is attached no annual salary, *the office of Notary Public, and the office of Justice of the Peace,* shall not be deemed lucrative; *and that one person may hold two or more county offices, if so provided by the Legislature.*

Sec. 25. No person who at any time may have been a collector of taxes, or who may have been otherwise entrusted with public money, shall be eligible to the Legislature or to any office of profit or trust under the State government, until he shall have obtained a discharge for the amount of such collections, and for all public money with which he may have been entrusted.

Sec. 26. Ministers of the gospel being by their profession dedicated to God and the care of souls, ought not to be diverted from the great duties of their functions; therefore, no minister of the gospel, or priest of any denomination whatever, shall be eligible to the Legislature.

Sec. 27. Elections for Senators and Representatives shall be general throughout the State, and shall be regulated by law.

Sec. 28. The Legislature shall *cause an enumeration to be made every ten years, commencing on the 6th day of February, A. D. 1875, of all the inhabitants, (including Indians taxed) of the State, designating particularly the number of qualified electors, and the age, sex and color of all others. (herein following the classification of the United States census.)* and the whole number of representatives shall, at the several periods of making such enumeration, be fixed by the Legislature and apportioned among the several counties, cities and towns according to the number of *white* population in each, and shall not be less than forty-five nor more than ninety; *provided, that there*

shall be an enumeration and an apportionment made in the year 1870, in the manner here indicated.

Sec. 29. *Until changed by law, the act of apportionment passed the 6th day of February, A. D. 1860, by the Legislature of this State, shall remain in force.*

Sec. 30. The whole number of Senators shall, at the next session after the several periods of making the enumeration, be fixed by the Legislature, and apportioned among the several districts to be established by law to the number of qualified electors, and shall never be less than nineteen nor more than thirty-three.

Sec. 31. The members of the Legislature shall, at their first session hereafter, receive from the Treasury of the State, as their compensation, *eight* dollars for each day they shall be in attendance, and *eight* dollars for each twenty-five miles in traveling to and from the seat of government. *The above rates of compensation shall remain till changed by law.*

Sec. 32. *The Legislature shall proceed as early as practicable to elect Senators to represent this State in the Senate of the United States, and also provide for the election of Representatives to the Congress of the United States.*

Sec. 33. *The City of Austin is hereby declared to be the seat of government of this State until removed by an election of the people; and the title to the tract of land surveyed by virtue of the headright certificate of Samuel Goucher, for one-third of a league which was selected and condemned to the use of the Republic of Texas under an act of the Republic of Texas, entitled "An Act for the permanent location of the seat of government," approved the 14th day of January, A. D. 1839, be and the same is hereby confirmed; any irregularity or failure to make proper parties or other defects in the proceedings had under said act to the contrary notwithstanding; provided, nevertheless, that the lawful owner of said land, his heirs, assigns or legal representatives, may at any time within one year from the adoption of this Constitution, institute proceedings and have compensation as provided by act of the Legislature of the State of Texas, entitled "An Act for quieting the title to real estate in the City of Austin," approved 18th December, 1857.*

ARTICLE IV.—JUDICIAL DEPARTMENT.

Section 1. The Judicial power of this State shall be vested in one Supreme Court, in District Courts, *in County Courts, and in such Corporation Courts and other inferior Courts or tribunals*

as the Legislature may from time to time ordain and establish. *The Legislature may establish Criminal Courts in the principal cities within the State, with such criminal jurisdiction, co-extensive with the limits of the county wherein such city may be situated, and under such regulations as may be prescribed by law; and the Judge thereof may preside over the Courts of one or more cities as the Legislature may direct.*

Sec. 2. The Supreme Court shall consist of *five Justices, any three of whom shall constitute a quorum. They shall be elected by the qualified voters of the State at a general election for State or County officers, and they shall elect from their own number a presiding officer, to be styled the Chief Justice; they shall have arrived at the age of thirty-five years at the time of election; shall hold their offices for the term of ten years, and each of them shall receive an annual salary of at least four thousand five hundred dollars, which shall not be increased or diminished during his term of office.*

Sec. 3. The Supreme Court shall have appellate jurisdiction only, which shall be co-extensive with the limits of the State; but in criminal cases, *below the grade of felony*, and in appeals from interlocutory judgments, with such exceptions and under such regulations as the Legislature shall make. The Supreme Court, and the Judges thereof, shall have power to issue the writ of habeas corpus; and under such regulations as may be prescribed by law, *the said Court and the Judges thereof*, may issue the writ of mandamus, and such other writs as may be necessary to enforce its own jurisdiction. *The Supreme Court shall also have power, upon affidavits, or otherwise as by the Court may be thought proper, to ascertain such matters of fact as may be necessary to the proper exercise of its jurisdiction. The Supreme Court shall sit, for the transaction of business, from the first Monday of October until the last Saturday of June of every year, at the Capital, and at not more than two other places in the State.*

Sec. 4. The Supreme Court shall appoint its own clerks, *who shall give bond in such manner as is now, or may hereafter be required by law; shall hold their offices for four years; and shall be subject to removal by the said Court, for good cause, entered of record on the minutes of said Court.*

Sec. 5. The State shall be divided into convenient Judicial Districts. For each District there shall be *elected by the qualified voters thereof, at a general election for State or County officers*, a Judge who shall reside in the same; *shall hold his office for the term of eight years; shall receive an annual salary of not less than three thou-*

sand five hundred dollars, which shall not be increased or diminished during his term of service, and shall hold the Courts at one place in each County in the District, at least twice in each year, in such manner as may be prescribed by law.

Sec. 6. The District Court shall have original jurisdiction of all criminal cases; of all suits in behalf of the State to recover penalties, forfeitures and escheats; of all cases of divorce; *of all suits to recover damages for slander or defamation of character; of all suits for the trial of title to land; of all suits for the enforcement of liens; of all suits for the trial of the right of property, levied on by virtue of any writ of execution, sequestration, or attachment, when the property levied on shall be equal to, or exceed in value one hundred dollars;* and of all suits, complaints or pleas whatever, without regard to any distinction between law and equity, when the matter in controversy shall be valued at, or amount to, one hundred dollars, exclusive of interest; and the said Courts and the Judges thereof, shall have power to issue *writs of injunction, certiorari, and all other writs necessary to enforce their own jurisdiction, and to give them a general superintendence and control over inferior tribunals. The District Courts shall have appellate jurisdiction in cases originating in inferior Courts, which may be final in such cases as the Legislature may prescribe; and original and appellate jurisdiction and general control over the County Court established in each county, for appointing guardians, granting letters testamentary and of administration; for settling the accounts of executors, administrators and guardians, and for the transaction of business appertaining to estates;* and original jurisdiction and general control over executors, administrators, guardians and minors, under such regulations as may be prescribed by law.

Sec. 7. There shall be a Clerk of the District Court for each county, who shall be elected by the qualified voters for members of the Legislature, and who shall hold his office for four years, subject to removal by information or by indictment of a grand jury, and conviction by a petit jury. In case of vacancy, the Judge of the District Court shall have the power to appoint a Clerk, until a regular election can be held.

Sec. 8. In the trial of all causes in equity in the District Courts, the plaintiff or defendant shall, upon application made in open Court, have the right of trial by jury, to be governed by the rules and regulations prescribed in trials at law.

Sec. 9. All Judges of the Supreme and District Courts shall, by virtue of their offices, be conservators of the peace throughout the

State. The style of all writs and process shall be "The State of Texas." All prosecutions shall be carried on in the name and by the authority of the "State of Texas," and conclude "against the peace and dignity of the State."

Sec. 10. *In the case of a vacancy in the offices of Justice of the Supreme Court, Judges of the District Court, Attorney-General, and District Attorneys, the Governor of the State shall have power to fill the same by appointment, which shall continue in force until the office can be filled at the next general election for State or county officers, and the successor duly qualified.*

Sec. 11. The Judges of the Supreme and District Courts shall be removed by the Governor, on the address of two-thirds of each House of the Legislature, for wilful neglect of duty, or other reasonable cause, which shall not be sufficient ground for impeachment; Provided, however, That the cause, or causes, for which such removal shall be required, shall be stated, at length, in such address, and entered on the journals of each House; And provided further, That the cause or causes shall be notified to the Judge so intended to be removed; and he shall be admitted to a hearing in his own defence, before any vote for such address shall pass. And in all such cases, the vote shall be taken by yeas and nays, and entered on the journals of each House respectively.

Sec. 12. No Judge shall sit in any case wherein he may be interested, or where either of the parties may be connected with him by affinity or consanguinity, within such degrees as may be described by law, or where he shall have been of counsel in the case. When the Supreme Court, or any *three* of its members, shall be thus disqualified to hear and determine any *case or cases*, in said Court, or when no judgment can be rendered in any case or cases in said Court, by reason of the equal division of opinion of said Judges, the same shall be certified to the Governor of the State, who shall immediately commission the requisite number of persons, learned in the law, for the trial and determination of said case or cases. When a Judge of the District Court is thus disqualified, the parties may, by consent, appoint a proper person to try the said case; *or, upon their failing to do so, a competent person shall be appointed to try the same in the county where it is pending, in such manner as may be prescribed by law.* And the District Judges may exchange districts, or hold Courts for each other, when they may deem it expedient, and shall do so when directed by law. The disqualification of Judges of inferior tribunals shall be remedied, *and vacancies in their offices shall be filled as prescribed by law.*

Sec. 13. An Attorney-General shall be elected by the people, who shall reside at the Capital of the State during his continuance in office, whose duties shall be prescribed by law, who shall hold his office for four years, and who, in addition to perquisites, shall receive an annual salary of three thousand dollars, which shall not be increased or diminished during his term of office.

Sec. 14. There shall be a District Attorney for each Judicial District in the State, elected by the qualified electors of the District, who shall reside in the District for which he shall be elected; shall hold his office for four years; and, together with the perquisites prescribed by law, shall receive an annual salary of one thousand dollars, which shall not be increased or diminished during his term of office.

Sec. 15. There shall be established in each county in the State, an inferior tribunal, styled the County Court; and there shall be elected by the persons in each county, who are qualified to vote for members of the Legislature, a Judge of the County Court, who shall be a conservator of the peace, who shall hold his office for four years, and who shall receive such compensation as may be prescribed by law, and who may be removed from office for neglect of duty, incompetency or malfeasance, in such manner as may be prescribed by law.

Sec. 16. The County Court shall have jurisdiction of all misdemeanors and petty offences, as the same are now, or may hereafter be defined by law; of such civil cases, where the matter in controversy shall not exceed five hundred dollars, exclusive of interest, under such regulations, limitations and restrictions as may be prescribed by law, without regard to any distinction between law and equity; to probate wills, to appoint guardians of minors, idiots, lunatics and persons non compos mentis; to grant letters testamentary and of administration; to settle the accounts of executors, administrators and guardians; to transact all business appertaining to the estates of deceased persons, minors, idiots, lunatics, and persons non compos mentis, including the settlement, partition and distribution of such estates; and to apprentice minors under such regulations as may be prescribed by law. One term of the County Court shall be held in each county at least once in every two months; and the Legislature may provide for the appointment of a County Attorney to represent the State and county in said court, whose term of office, duties and compensation shall be such as may be prescribed by law.

Sec. 17. There shall be elected in each county in the State, by the

persons qualified to vote for members of the Legislature, four County Commissioners, whose term of office shall be four years, who, with the Judge of the County Court, shall constitute; and be styled, the Police Court for the County, whose powers, duties and mode of action, in regulating, promoting and protecting the public interest relating to the county, shall be the same as that now prescribed by law, for the Commissioners Court of Roads and Revenue, until otherwise provided for and regulated by the Legislature.

Sec. 18. *There shall be elected for each county, by the qualified voters, a County Clerk, who shall hold his office for four years, who shall be the Clerk of the County and Police Courts, whose duties and perquisites, and fees of office shall be prescribed by the Legislature, and a vacancy in whose office shall be filled by the Judge of the County Court, until the next general election for County or State officers, who may be removed from office for such cause, and in such manner, as may be prescribed by law.*

Sec. 19. *There shall be elected a convenient number of Justices of the Peace, who shall have such civil and criminal jurisdiction as shall be provided by law, where the matter in controversy, shall not exceed, in value, one hundred dollars, exclusive of interest; also, one Sheriff, one Coroner, and a sufficient number of Constables, who shall hold their offices for four years, to be elected by the qualified voters of the district, or county, as the Legislature may direct. Justices of the Peace, Sheriffs and Coroners, shall be commissioned by the Governor. The Sheriffs shall not be eligible more than eight years in every twelve.*

Sec. 20. *In all cases of law or equity, where the matter in controversy shall be valued at, or exceed twenty dollars, the right of trial by jury shall be preserved.*

ARTICLE V.—EXECUTIVE DEPARTMENT.

Section 1. The supreme executive power of this State shall be vested in the Chief Magistrate, who shall be styled the Governor of the State of Texas.

Sec. 2. The Governor shall be elected by the qualified electors of the State, at the time and places of election for members of the Legislature.

Sec. 3. The returns of every election for Governor, until otherwise provided by law, shall be made out, sealed up, and transmitted to the seat of Government, and directed to the Speaker of the House of Representatives, who shall, during the first week of the session

of the Legislature thereafter, open and publish them in the presence of both Houses of the Legislature; the person having the highest number of votes, and being constitutionally eligible, shall be declared, by the Speaker, under the direction of the Legislature, to be Governor; but if two or more persons shall have the highest, and an equal number of votes, one of them shall be immediately chosen Governor, by joint vote of both Houses of the Legislature. Contested elections for Governor shall be determined by both Houses of the Legislature.

Sec. 4. The Governor shall hold his office for the term of *four* years from the regular time of installation, and until his successor shall be duly qualified; but shall not be eligible for more than *eight* years in any term of *twelve* years; he shall be at least thirty years of age, shall be a citizen of the United States, or a citizen of the State of Texas at the time of the adoption of this Constitution, and shall have resided in the same six years immediately preceding his election, *and shall be inaugurated on the first Thursday after the organization of the Legislature, or as soon thereafter as practicable.*

Sec. 5. He shall, at stated times, receive a compensation for his services, which shall not be increased or diminished during the term for which he *may* have been elected. *He shall receive an annual salary of four thousand dollars, until otherwise provided by law.*

Sec. 6. The Governor shall be commander-in-chief of the army and navy of this State, and of the militia, except when they shall be called into the service of the United States.

Sec. 7. He may require information in writing from the officers of the Executive Department, on any subject relating to the duties of their respective offices.

Sec. 8. He may, by proclamation, on extraordinary occasions, convene the Legislature at the seat of government, or at a different place, *if that should be dangerous by reason of disease or* the public enemy. In case of disagreement between the two Houses, with respect to adjournment, he may adjourn them to such time as he shall think proper, not beyond the day of the next regular meeting of the Legislature.

Sec. 9. He shall, from time to time, give to the Legislature information, in writing, of the state of the Government, and recommend to their consideration such measures as he may deem expedient.

Sec. 10. He shall take care that the laws be faithfully executed.

Sec. 11. In all criminal cases, except in those of treason and impeachment, he shall have power, after conviction, to grant reprieves and pardons; and, under such rules as the Legislature may prescribe, he shall have power to remit fines and forfeitures. In cases of treason, he shall have power, by and with the advice and consent of the Senate, to grant reprieves and pardons; and he may, in the recess of the Senate, respite the sentence until the end of the next session of the Legislature.

Sec. 12. There shall also be a Lieutenant Governor, who shall be chosen at every election for Governor, by the same persons, and in the same manner, continue in office for the same time, and possess the same qualifications. In voting for Governor and Lieutenant Governor, the electors shall distinguish for whom they vote as Governor, and for whom as Lieutenant Governor. The Lieutenant-Governor shall, by virtue of his office, be President of the Senate, and have, when in committee of the whole, a right to debate and vote on all questions, and when the Senate is equally divided, to give the casting vote. In case of the death, resignation, removal from office, inability or refusal of the Governor to serve, or of his impeachment or absence from the State, the Lieutenant-Governor shall exercise the powers and authority appertaining to the office of Governor, until another be chosen at the periodical election, and be duly qualified, or until the Governor impeached, absent or disabled, shall be acquitted, return, or his disability be removed.

Sec. 13. Whenever the Government shall be administered by the Lieutenant Governor, or he shall be unable to attend as President of the Senate, the Senate shall elect one of their own members as President for the time being. And if, during the vacancy of the office of Governor, the Lieutenant Governor shall die, resign, refuse to serve, or be removed from office, or be unable to serve, or if he shall be impeached or absent from the State, the President of the Senate, for the time being, shall in like manner administer the government until he shall be superceded by a Governor or Lieutenant Governor. The Lieutenant Governor shall, whilst he acts as President of (the) Senate, receive for his services the same compensation which shall be allowed to the Speaker of the House of Representatives, and no more; and during the time he administers the Government as Governor, shall receive the same compensation which the Governor would have received had he been employed in the duties of his office, and no more. The President for the time being of the Senate shall, during the time he administers the government, receive in like manner the same compensation which the Governor would have received had he been employed

in the duties of his office. If the Lieutenant Governor shall be required to administer the government, and shall, whilst in such administration die, resign, or be absent from the State, during the recess of the Legislature, it shall be the duty of the Secretary of State to convene the Senate, for the purpose of choosing a President for the time being.

Sec. 14. There shall be a seal of the State, which shall be kept by the Governor and used by him officially. The said seal shall be a star of five points, encircled by an olive and live oak branches, and the words "The State of Texas."

Sec. 15. All commissions shall be in the name and by the authority of the State of Texas, be sealed with the State Seal, signed by the Governor, and attested by the Secretary of State.

Sec. 16. There shall be a Secretary of State, who shall be appointed by the Governor, by and with the advice and consent of the Senate, and shall continue in office during the term of service of the Governor elect. He shall keep a fair register of all official acts and proceedings of the Governor, and shall, when required, lay the same, and all papers, minutes and vouchers relative thereto, before the legislature, or either House thereof, and shall perform such other duties as may be required of him by law.

Sec. 17. Every bill which shall have passed both Houses of the Legislature, shall be presented to the Governor; if he approve, he shall sign it; but if not, he shall return it with his objections to the House in which it shall have originated, who shall enter the objections at large upon the journals, and proceed to reconsider it. If, after such consideration, two-thirds of the members present shall agree to pass the bill, it shall be sent with the objections, to the other House, by which it shall likewise be reconsidered. If approved by two-thirds of the members present of that House, it shall become a law; but in such cases, the votes of both Houses shall be determined by yeas and nays, and the names of the members voting for or against the bill shall be entered on the journals of each House, respectively; if any bill shall not be returned by the Governor within five days, Sundays excepted, after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it. Every bill presented to the Governor one day previous to the adjournment of the Legislature, and not returned to the House in which it originated before its adjournment, shall become a law, and have the same force and effect as if signed by the Governor. *The Governor may approve any appropriation, and dis-*

approve any other appropriation in the same bill. In such case, he shall, in signing the bill, designate the appropriations disapproved, and shall return a copy of such appropriations, with his objections, to the House in which the bill shall have originated; and the same proceedings shall then be had as in the case of other bills disapproved by the Governor; but if the Legislature has adjourned before the bill is returned to the House, he shall return the same to the Secretary of State, with his objections, and also to the next session of the Legislature.

Sec. 18. Every order, resolution, or vote, to which the concurrence of both Houses of the Legislature may be necessary, except on questions of adjournment, shall be presented to the Governor, and before it shall take effect, be approved by him, or, being disapproved, shall be repassed by both Houses according to the rules and limitations prescribed in the case of a bill.

Sec. 19. The Governor, by and with the advice and consent of two-thirds of the Senate, shall appoint a convenient number of Notaries Public, not exceeding six for each county; who, in addition to such duties as are prescribed by law, shall discharge such other duties as the Legislature may from time to time prescribe.

Sec. 20. Nominations to fill all vacancies that may have occurred during the recess, shall be made to the Senate during the first ten days of its session. And should any nomination so made be rejected, the same individual shall not again be nominated during the session to fill the same office; and should the Governor fail to make nominations to fill any vacancy during the session of the Senate, such vacancy shall not be filled by the Governor until the next meeting of the Senate.

Sec. 21. The Governor shall reside during the session of the Legislature at the place where the session may be held, and at all other times wherever, in their opinion, the public good may require.

Sec. 22. No person holding the office of Governor shall hold any other office or commission, civil or military.

Sec. 23. *There shall be elected by the qualified electors of this State, in the manner prescribed by law, a Comptroller of Public Accounts and a State Treasurer, each of whom shall hold his office for the term of four years; and in case of a vacancy in either of said offices, the Governor shall have power to fill the same by appointment, which shall continue in force until the office can be filled at the next general election for State and county officers, and the successor duly qualified.*

ARTICLE VI.—MILITIA.

Section 1. The Legislature shall provide by law for organizing and disciplining the militia of the State, in such manner as they shall deem expedient, not incompatible with the Constitution and laws of the United States in relation thereto.

Sec. 2. Any person who conscientiously scruples to bear arms shall not be compelled to do so, but shall pay an equivalent for personal service.

Sec. 3. No licensed Minister of the Gospel shall be required to perform military duty, work on roads, or serve on juries in this State.

Sec. 4. The Governor shall have power to call forth the militia to execute the laws of the State, to suppress insurrections and to repel invasion.

ARTICLE VII.—GENERAL PROVISIONS.

Section 1. Members of the Legislature, and all officers, before they enter upon the duties of their offices, shall take the following oath or affirmation: "I, (A. B.,) do solemnly swear (or affirm) that I will faithfully and impartially discharge and perform all the duties incumbent on me as ———, according to the best of my skill and ability, agreeably to the Constitution and laws of the United States and of this State; and I do further solemnly swear (or affirm) that, since the adoption of this Constitution by the Congress of the United States, I, being a citizen of this State, have not fought a duel with deadly weapons, within this State nor out of it, nor have I sent or accepted a challenge to fight a duel with deadly weapons, nor have I acted as second in carrying a challenge, or aided, advised or assisted, any person thus offending—so help me God."

Sec. 2. Treason against this State shall consist only in levying war against it, or in adhering to its enemies—giving them aid and comfort; and no person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or his own confession in open Court.

Sec. 3. Every person shall be disqualified from holding any office of trust or profit in this State, who shall have been convicted of having given or offered a bribe to procure his election or appointment.

Sec. 4. Laws shall be made to exclude from office, serving on juries, and from the right of suffrage, those who shall hereafter be convicted of bribery, perjury, forgery, or other high crimes. The

privilege of free suffrage shall be supported by laws regulating elections, and prohibiting, under adequate penalties all undue influence thereon from power, bribery, tumult, or other improper practice.

Sec. 5. Any citizen of this State who shall, after the adoption of this Constitution, fight a duel with deadly weapons, or send or accept a challenge to fight a duel with deadly weapons, either within the State or out of it, or who shall act as second, or knowingly aid and assist in any manner, those thus offending, shall be deprived of holding any office of trust or profit under this State.

Sec. 6. In all elections by the people, the vote shall be by ballot, until the Legislature shall otherwise direct; and in all elections by the Senate and House of Representatives, jointly or separately, the vote shall be given viva voce, except in the election of their officers.

Sec. 7. The Legislature shall provide by law for the compensation of all officers, servants, agents, and public contractors, not provided for by this Constitution, and shall not grant extra compensation to any officer, agent, servant, or public contractor, after such public service shall have been performed, or contract entered into for the performance of the same; nor grant, by appropriation, or otherwise, any amount of money out of the Treasury of the State, to any individual on a claim, real or pretended, where the same shall not have been provided for by pre-existing law: Provided, that nothing in this section shall be so construed as to effect the claims of persons against the Republic of Texas, heretofore existing.

Sec. 8. No money shall be drawn from the Treasury but in pursuance of specific appropriations made by law; nor shall any appropriation of money be made for a longer term than two years, except for purposes of education; and no appropriation for private or individual purposes, or for purposes of internal improvement, shall be made, without the concurrence of two-thirds of both Houses of the Legislature. A regular statement and account of the receipts and expenditures of all public money shall be published annually in such manner as shall be prescribed by law. And in no case shall the Legislature have the power to issue "Treasury Warrants," "Treasury Notes," or paper of any description, intended to circulate as money.

Sec. 9. All civil officers shall reside within the State; and all district or county officers, within their district or counties; and shall keep their offices at such places therein as may be required by law.

Sec. 10. The duration of all offices, not fixed by this Constitution, shall never exceed four years, *except the office of Superintendent of the Lunatic Asylum, or other Asylums that may be established by law, who shall continue in office during good behavior: provided, that in all cases, where the Governor has the authority under this Constitution, or laws made in pursuance thereof, to appoint to office, he shall also have power to remove from the same, for malfeasance in office, neglect of duty, or other good cause: provided, that a statement of the cause, shall, at the time of removal, be furnished the party interested, and a copy thereof shall also be recorded in the office of the Secretary of State.*

Sec. 11. Absence on the business of this State, or of the United States, shall not forfeit a residence once obtained, so as to deprive any one of the right of suffrage, or of being elected or appointed to any office, under the exceptions contained in this Constitution.

Sec. 12. The Legislature shall have power to provide for deductions from the salaries of public officers, who may neglect the performance of any duty that may be assigned them by law.

Sec. 13. No member of Congress, nor person holding or exercising any office of profit or trust under the United States, or either of them, or under any foreign power, shall be eligible as a member of the Legislature, or hold or exercise any office of profit or trust under this State.

Sec. 14. The Legislature shall provide for a change of venue in civil and criminal cases, and for the erection of a Penitentiary at as early a day as practicable.

Sec. 15. It shall be the duty of the Legislature to pass such laws as may be necessary and proper, to decide differences by arbitration, when the parties shall elect that mode of trial.

Sec. 16. Within five years after the adoption of this Constitution, the laws, civil and criminal, shall be revised, digested, arranged and published, in such manner as the Legislature shall direct; and a like revision, digest and publication, shall be made every ten years thereafter.

Sec. 17. No lottery shall be authorized by this State; and the buying or selling of lottery tickets within this State is prohibited.

Sec. 18. No divorce shall be granted by the Legislature.

Sec. 19. All property, both real and personal, of the wife, owned or claimed by her before marriage, and that acquired afterwards by gift, devise, or descent, shall be her separate property; and laws shall be passed more clearly defining the rights of the wife, in rela-

tion as well to her separate property as that held in common with her husband. Laws shall also be passed providing for the registration of the wife's separate property.

Sec. 20. The rights of property and of action, which have been acquired under the Constitution and laws of the Republic of Texas, shall not be divested; nor shall any rights or actions, which have been divested, barred, or declared null and void, by the Constitution and laws of the Republic of Texas, be reinvested, revived, or reinstated, by this Constitution; but the same shall remain precisely in the situation which they were before the adoption of this Constitution.

Sec. 21. All claims, locations, surveys, grants and titles to land, which are declared null and void by the Constitution of the Republic of Texas, are, and the same shall remain forever null and void.

Sec. 22. The Legislature shall have power to protect by law from forced sale, a certain portion of the property of all heads of families. The homestead of a family not to exceed two hundred acres of land (not included in a town or city) or any town or city lot or lots, in value not to exceed two thousand dollars, shall not be subject to forced sale for any debts hereafter contracted, nor shall the owner, if a married man, be at liberty to alienate the same, unless by the consent of the wife, in such manner as the Legislature may hereafter point out.

Sec. 23. The Legislature shall provide in what cases officers shall continue to perform the duties of their offices, until their successors shall be duly qualified.

Sec. 24. Every law enacted by the Legislature shall embrace but one object, and that shall be expressed in the title.

Sec. 25. No law shall be revised or amended by reference to its title; but in such case the act revised, or section amended, shall be re-enacted and published at length.

Sec. 26. No person shall hold, or exercise at the same time, more than one civil office of emolument, except that of Justice of the Peace.

Sec. 27. Taxation shall be equal and uniform throughout the State. All property in this State shall be taxed in proportion to its value, to be ascertained as directed by law, except such property as two-thirds of both Houses of the Legislature may think proper to exempt from taxation. The Legislature shall have power to lay an income tax, and to tax all persons pursuing any occupation, trade or profession: Provided that the term occupation shall not be construed to apply to pursuits, either agricultural or mechanical.

Sec. 28. The Legislature shall have power to provide by law for *exemption* from taxation, two hundred and fifty dollars' worth of the household furniture or other property belonging to each family in this State.

Sec. 29. The Assessor and Collector of Taxes shall be appointed in such manner, and under such regulations, as the Legislature may direct.

Sec. 30. No corporate body shall hereafter be created, renewed, or extended with banking or discounting privileges.

Sec. 31. No private corporation shall be created, unless the bill creating it shall be passed by two-thirds of both Houses of the Legislature; and two-thirds of the Legislature shall have power to revoke and repeal all private corporations, by making compensation for the franchise. And the State shall not be part owner of the stock, or property, belonging to any corporation.

Sec. 32. The Legislature shall prohibit, by law, individuals from issuing bills, checks, promissory notes, or other paper to circulate as money.

Sec. 33. The aggregate amount of debts hereafter contracted by the Legislature, shall never exceed the sum of one hundred thousand dollars, except in case of war, to repel invasion, or suppress insurrections. And in no case shall any amount be borrowed, except by a vote of two-thirds of both Houses of the Legislature.

Sec. 34. The Legislature *may, from time to time*, establish new counties for the convenience of the inhabitants of such new county or counties: *Provided that no new county shall be established which shall reduce the county or counties, or either of them, from which it shall be taken, to a less area than nine hundred square miles, unless by consent of two-thirds of the Legislature, nor shall any county be organized of less contents: Provided, further, that all counties heretofore created are hereby declared to be legally constituted counties.* Every new county, as to the right of suffrage and representation, shall be considered as part of the county or counties from which it was taken, until *the next apportionment of representation thereafter: Provided, also, that no new county shall be laid off, when less than one hundred and twenty qualified jurors are at the time resident therein.*

Sec. 35. No soldier shall, in time of peace, be quartered in the house, or within the enclosure of any individual without the consent of the owner, nor in time of war, but in a manner prescribed by law.

Sec. 36. *A well regulated system of internal improvements is cal-*

culated to develop the resources of the State, and promote the happiness and prosperity of her citizens. Therefore, the Legislature shall have power, and it shall be its duty to encourage the same; and the Legislature shall have power to guarantee the bonds of railroad companies, to any amount not exceeding, in any case, the sum of fifteen thousand dollars per mile; provided that in no case shall the State guarantee the payment of the bonds of any railroad company, until such company shall have previously graded and prepared at least twenty-five miles of its roadway, ready to lay the iron rails thereon, and so on continuously, on each additional section of ten miles, so graded and prepared. after the preceding section has been finished and in operation, until the whole road shall be completed; further provided, that the Legislature shall require that the company, or companies, which receive aid from the State, shall use the same exclusively for the purchase of iron rails, fastenings and rolling stock, and placing the same upon the road, and upon the failure to do so, shall forfeit all their rights under this provision, together with their property and franchises; and it shall be declared a felony, for any officer, or agent, of any railroad company to misappropriate any funds, granted under the provisions of this section, or any other funds or property of the company. The State shall always be secured for all bonds guaranteed for any railroad company, by a first lien, or mortgage, upon the road, rolling stock, depots and franchises of the corporation, whose bonds may be guaranteed. The Legislature shall provide, by law, that the managers of the railroad companies shall make reports periodically, of their acts, and the condition of the corporation affairs, which shall be officially published for public information. And in no case shall the State guarantee the bonds of railroad companies, as herein provided, except by a vote of two-thirds of both Houses of the Legislature; provided the Legislature shall have no power, directly or indirectly, to release any railroad company from the payment in specie, of the principal of interest of the obligations or debts due to the school fund or to the State. An Act entitled "An act, supplemental and amendatory of an act, to regulate railroad companies, approved February 7th, 1853," approved 21st December, 1857, be and the same is hereby repealed, and of no further effect; and the franchise or corporate privileges of any incorporated company shall not be sold under judgments, except for the foreclosure of mortgages or liens, created in the manner prescribed by law.

The Comptroller of the State is authorized to take possession of any railroad, in default of paying any bonds which may be guaranteed by

the State, under such regulations as may be prescribed by law.

MODE OF CALLING A CONVENTION AND AMENDING THE CONSTITUTION OF THIS STATE.

Sec. 37. *The Legislature, by a vote of three-fourths of all the members of each House, with the approval of the Governor, shall have power to call a convention of the people, for the purpose of altering, amending or reforming the Constitution of this State; the manner of electing delegates to the Convention, the time and place of assembling them, to be regulated by law.*

Sec. 38. *The Legislature, at any biennial session, by a vote of two-thirds of all the members of each House, may propose amendments to the Constitution, to be voted upon by persons legally qualified to vote for members of the House of Representatives of the State; which proposed amendments shall be duly published in the public prints of this State, at least three months before the next general election for representatives to the Legislature, for the consideration of the people; and it shall be the duty of the several returning officers, at said general election, to open a poll for, and make returns to the Secretary of State, of the number of legal votes cast at said election, for and against said amendment, and if more than one be proposed, then the number of legal votes cast for and against each of them; and if it shall appear, from said returns, that a majority of the votes cast upon said proposed amendment, or amendments, have been cast in favor of the same, and two-thirds of each House of the Legislature, at the next regular session thereafter, shall ratify said proposed amendment, or amendments so voted upon by the people, the same shall be valid to all intents and purposes, as parts of the Constitution of the State of Texas; provided that the said proposed amendments shall, at each of said sessions, have been read on three several days in each House of the Legislature, and the vote thereon shall have been taken by yeas and nays; and, provided further, that the rule in the above proviso shall never be suspended by either of said Houses.*

Sec. 39. *That the State of Texas hereby releases to the owner of the soil all mines and mineral substances, that may be on the same, subject to such uniform rate of taxation, as the Legislature may impose. All islands along the Gulf coast of the State, not now patented, or appropriated by locations under valid land certificates, are reserved*

from location or appropriated (appropriation) in any other manner by private individuals than as the Legislature may direct.

ARTICLE VIII.—FREEDMEN.

Section 1. *African slavery, as it heretofore existed, having been terminated within this State, by the Government of the United States, by force of arms, and its re-establishment being prohibited, by the amendment to the Constitution of the United States, it is declared that neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist in this State; and Africans and their descendants, shall be protected in their rights of person and property by appropriate legislation; they shall have the right to contract and be contracted with; to sue and be sued; to acquire, hold and transmit property; and all criminal prosecutions against them, shall be conducted in the same manner as prosecutions, for like offences, against the white race, and they shall be subject to like penalties.*

Sec. 2. *Africans and their descendants shall not be prohibited, on account of their color or race, from testifying orally, as witnesses, in any case, civil or criminal, involving the right of, injury to, or crime against any of them in person or property, under the same rules of evidence that may be applicable to the white race; the credibility of their testimony to be determined by the court or jury hearing the same; and the Legislature shall have power to authorize them to testify as witnesses in all other cases, under such regulations as may be prescribed, as to facts hereafter occurring.*

ARTICLE IX.—IMPEACHMENT.

Section 1. The power of impeachment shall be vested in the House of Representatives.

Sec. 2. Impeachment of the Governor, Lieutenant Governor, Attorney General, Secretary of State, Treasurer, Comptroller, and of the Judges of the District Court, shall be tried by the Senate.

Sec. 3. Impeachments of Judges of the Supreme Court shall be tried by the Senate. When sitting as a Court of Impeachment, the Senators shall be upon oath or affirmation; and no person shall be convicted without the concurrence of two-thirds of the Senators present.

Sec. 4. Judgment in cases of impeachment shall extend only to

removal from office, and disqualification from holding any office of honor, trust or profit under this State; but the parties convicted shall, nevertheless, be subject to indictment, trial and punishment according to law.

Sec. 5. All officers against whom articles of impeachment may be proffered, shall be suspended from the exercise of the duties of their office, during the pendency of such impeachment. The appointing power may make a provisional appointment to fill the vacancy occasioned by the suspension of an officer, until the decision on the impeachment.

Sec. 6. The Legislature shall provide for the trial, punishment and removal from office, of all other officers of the State, by indictment or otherwise.

ARTICLE X.—EDUCATION.

Section 1. A general diffusion of knowledge being essential to the preservation of the rights and liberties of the people, it shall be the duty of the Legislature of this State to make suitable provisions for the support and maintenance of public schools.

Sec. 2. The Legislature shall, as early as practicable, establish a system of free schools throughout the State; *and as a basis for the endowment and support of said system, all the funds, lands and other property heretofore set apart and appropriated, or that may hereafter be set apart and appropriated for the support and maintenance of public schools, shall constitute the public school fund; and said fund, and the income derived therefrom, shall be a perpetual fund exclusively for the education of all the white scholastic inhabitants of this State, and no law shall ever be made appropriating said fund to any other use or purpose whatever. And until such time as the Legislature shall provide for the establishment of such system of public schools in the State, the fund thus created and the income derived therefrom, shall remain as a charge against the State, and be passed to the credit of the free common school fund.*

Sec. 3. *And all the alternate sections of land reserved by the State out of grants heretofore made, or that may hereafter be made, to railroad companies, or other corporations of any nature whatever, for internal improvements, or for the development of the wealth and resources of the State, shall be set apart as a part of the perpetual school fund of the State; provided, that if at any time hereafter any portion of the public domain of this State shall be sold, and by virtue of said sale the jurisdiction over said land shall be vested in the United States Govern-*

ment, in such event one-half of the proceeds derived from said sale shall become a part of the perpetual school fund of the State; and the Legislature shall hereafter appropriate one-half of the proceeds resulting from all sales of the public lands to the perpetual public school fund.

Sec. 4. The Legislature shall provide, from time to time, for the sale of lands belonging to the perpetual public school fund, upon such time and terms as it may deem expedient; provided, that in cases of sale the preference shall be given to actual settlers; and, provided further, that the Legislature shall have no power to grant relief to purchasers by granting further time for payment, but shall in all cases, provide for the forfeiture of the land to the State for the benefit of a perpetual public school fund; and that all interest accruing upon such sales shall be a part of the income belonging to the school fund, and subject to appropriation annually for educational purposes.

Sec. 5. The Legislature shall have no power to appropriate or loan or invest, except as follows, any part of the principal sum of the perpetual school fund for any purpose whatever; and it shall be the duty of the Legislature to appropriate annually the income which may be derived from said fund, for educational purposes, under such system as it may adopt; and it shall, from time to time, cause the principal sum now on hand and arising from sales of land, or from any other source to be invested in the bonds of the United States of America, or the bonds of the State of Texas, or such bonds as the State may guarantee.

Sec. 6. All public lands which have been heretofore, or may be hereafter, granted for public schools, to the various counties or other political divisions in this State, shall be under the control of the Legislature, and may be sold on such terms and under such regulations as the Legislature shall by law prescribe; and the proceeds of the sale of said lands shall be added to the perpetual school fund of the State. But each county shall receive the full benefit of the interest arising from the proceeds of the sale of the lands granted to them respectively; provided, that the lands already patented to the counties, shall not be sold without the consent of such county or counties to which the lands may belong.

Sec. 7. The Legislature may provide for the levying of a tax for educational purposes; provided, the taxes levied shall be distributed from year to year, as the same may be collected; and, provided, that all the sums arising from said tax which may be collected from Africans, or persons of African descent, shall be exclusively appropriated for the maintenance of a system of public schools

for Africans and their children; and it shall be the duty of the Legislature to encourage schools among these people.

Sec. 8. *The moneys and lands heretofore granted to, or which may hereafter be granted for the endowment and support of one or more universities, shall constitute a special fund for the maintenance of said universities, and until the university or universities are located and commenced, the principal and the interest arising from the investment of the principal, shall be invested in like manner, and under the same restrictions as provided for the investment and control of the perpetual public school fund, in Sections four and five (4 and 5) in this Article of the Constitution, and the Legislature shall have no power to appropriate the university fund for any other purpose than that of the maintenance of said universities, and the Legislature shall, at an early day, make such provisions, by law, as will organize and put into operation the university.*

Sec. 9. *The four hundred thousand acres of land that have been surveyed and set apart, under the provisions of a law approved 30th August, A. D. 1856, for the benefit of a Lunatic Asylum, a Deaf and Dumb Asylum, a Blind Asylum, and an Orphan Asylum, shall constitute a fund for the support of such institutions, one-fourth part for each; and the said fund shall never be diverted to any other purpose. The said lands may be sold, and the fund invested under the same rules and regulations as provided for the lands belonging to the school fund. The income of said funds only shall be applied to the support of such institutions; and until so applied, shall be invested in the same manner as the principal.*

Sec. 10. *The Governor, by and with the advice and consent of two-thirds of the Senate, shall appoint an officer to be styled the Superintendent of Public Instruction. His term of office shall be four years, and his annual salary shall not be less than (\$2,000) two thousand dollars, payable at stated times; and the Governor, Comptroller and Superintendent of Public Education, shall constitute a Board to be styled a Board of Education, and shall have the general management and control of the perpetual school fund, and common schools, under such regulations as the Legislature may hereafter prescribe.*

Sec. 11. *The several counties in this State which have not received their quantum of the lands for the purposes of education, shall be entitled to the same quantity heretofore appropriated by the Congress of the Republic of Texas, and the State, to other counties. And the counties which have not had the lands to which they are entitled for educational purposes, located, shall have the right to*

contract for the location, surveying and procuring the patents for said lands, and of paying for the same with any portion of said lands so patented, not to exceed one-fourth of the whole amount to be so located, surveyed and patented—to be divided according to quality, allowing to each part a fair proportion of land, water and timber.

ARTICLE XI.

Sec. 1. All certificates for head-right claims to land, issued to fictitious persons, or which were forged, and all locations and surveys thereon, are, and the same were null and void from the beginning.

ARTICLE XII.—LAND OFFICE.

Sec. 1. There shall be one General Land Office in the State, which shall be at the seat of Government, where all titles which have heretofore emanated, or may hereafter emanate from Government, shall be registered; and the Legislature may establish from time to time such subordinate offices as they may deem requisite.

Done in Convention by the Deputies of the people of Texas, at the city of Austin, this second day of April, in the year of our Lord one thousand eight hundred and sixty-six. In testimony whereof we have hereunto subscribed our names.

J. W. THROCKMORTON,

President of the Convention.

D. C. DICKSON, President *pro tem*.

WM. M. TAYLOR, President *pro tem*.

Attest, LEIGH CHALMERS,

Secretary of the Convention.

R. F. Slaughter, J. H. Parsons, Edmund J. Davis, P. C. Woods, T. N. Waul, H. R. Runnels, A. H. Phillips, Isaiah O'Brien Richardson, A. W. Spaight, George C. Bengé, James E. Ranck, A. B. Norton, O. M. Roberts, J. W. Flanagan, Jack Davis, A. P. Shuford, A. M. Gentry, J. W. Whitfield, James W. Henderson, F. A. Hill, J. M. Hurt, Wells Thompson, W. C. Dalrymple, F. J. Parker, Geo. W. Jones, J. K. P. Record, Geo. W. Smith, A. Harwood, Jas. M. Lindsay, J. Lafayette Camp, Daniel Murchison, A. J. Ball, J. L. Halbert, H. W. Nelson, W. P. Beall, Benjamin R. Tyus, B. T. Selman, M. T. Johnson, R. A. Reeves, W. P. Bacon, R. H. Lane, Wm. R. Anderson, B. G. Shields, James Shaw, Amzi Bradshaw, John K. Bumpass, Hardin Hart, Orin Drake, X. B. Saunders, J. S. Porter, J. M. Young, W. B. Middleton, H. P. Mabry, Richard S. Walker, W. P. Saufley, James M. Norris, Benton Randolph, John Hancock, William E. Jones, A. Smith.

PROCLAMATION BY THE GOVERNOR,
ON THE
AMENDMENTS TO THE CONSTITUTION

Whereas, it appears by the official returns in the Office of the Secretary of State, that at the election held on the fourth Monday in June, of the present year, as provided for by the Ordinance of the Convention of Texas, passed 29th day of March, 1866: "For the Ratification of the Amendments to the Constitution," there were cast for said Amendments so submitted to the people, twenty-eight thousand one hundred and nineteen (28,119), and against said Amendments, twenty-three thousand four hundred (23,400) votes.

Now, Therefore, I, James W. Throckmorton, Governor of the State of Texas, in accordance with the provisions of a Joint Resolution of the Legislature of said State, approved October 5th, 1866, do by these presents make known and declare that the said proposed Amendments to the Constitution, by the vote of the people of said State, at the election aforesaid, were ratified and made a part of the same.

In Testimony Whereof, I have caused the Great Seal
[Seal] of State to be affixed, at Austin, this 8th day of October,
1866.

JAMES W. THROCKMORTON.

By the Governor:

J. A. GREEN, Secretary of State.

ORDINANCES, &C.

NUMBER 1.

AN ORDINANCE,

Declaring the Ordinance of Secession Null and Void.

Be it ordained by the people of Texas in Convention assembled, That we acknowledge the supremacy of the Constitution of the United States, and the laws passed in pursuance thereof; and that an ordinance adopted by a former Convention of the people of Texas on the 1st day of February, A. D. 1861, entitled "An Ordinance to dissolve the Union between the State of Texas and the other States, united under the compact styled "Constitution of the United States of America," be and the same is hereby declared null and void; and the right heretofore claimed by the State of Texas to secede from the Union, is hereby distinctly renounced.

Passed 15th March, 1866.

NUMBER 2.

AN ORDINANCE,

Declaring the War Debt void, and for Other Purposes.

Be it ordained by the people of the State of Texas in Convention assembled, That all debts created by the State of Texas in aid of the late war, directly or indirectly, are hereby declared null and void; and the Legislature shall have no authority, and they are hereby forbidden to ratify the same, or to assume or provide for the payment of the same, or any part thereof.

Sec. 2. Be it further ordained, That the Legislature of this State shall have no authority, and are hereby forbidden to assume, or

make any provision for the payment of any portion of the debts contracted or incurred, directly or indirectly, by the Confederate States, or by its agents, or by its authority.

Sec. 3. Be it further ordained, That the Legislature of this State shall have no authority, and are hereby forbidden to assume or make any provision for the payment of any portion of the debts contracted or incurred, or warrants issued by this State, from the 28th day of January, 1861, until the 5th day of August, 1865, except warrants issued in payment of services rendered, or liabilities incurred, before the said 28th day of January, 1861.

Passed March 15, 1866.

NUMBER 3.

AN ORDINANCE,

Providing for the Election of State Officers, and fixing the time for the Meeting of the Legislature.

Section 1. Be it ordained by the people of Texas in Convention assembled, That an election shall be held on the fourth Monday in June, A. D. 1866, in the several counties of this State, for all the State, District and County officers, who, under the Constitution and laws, are elected by the people.

Sec. 2. Be it further ordained, That the officers elected under this Ordinance shall hold their respective offices from the date of their installation to the first Monday in August, A. D. 1866, and thereafter for the full term prescribed by law, as if elected on said first Monday; and in case the amendment to the Constitution shall be rejected, then and in that case the person receiving the highest number of votes for Judge of the Supreme Court, shall be Chief Justice; and the next two persons receiving the highest number of votes, shall be Associate Justices of said Court; and the person receiving the highest number of votes for County Judge, shall be Chief Justice of the county.

Sec. 3. Be it further ordained, That the Legislature of the State of Texas shall meet at the Seat of Government thereof, and begin their session on the first Monday in August, A. D. 1866.

Sec. 4. Be it further ordained, That, in order to carry out the provisions of this ordinance, the Provisional Governor of this State

be, and he is hereby authorized and requested to issue his proclamation as early as may be, ordering an election to be held in the several counties of this State, at the time and for the purposes specified in this Ordinance.

Passed March 27, 1866.

NUMBER 4.

AN ORDINANCE,

For the Ratification of the Amendments to the Constitution.

Be it ordained by the people of Texas in Convention assembled, That an election, authorized by this Convention, to be holden on the fourth Monday in June, 1866, for State, District, County and Municipal officers, and for the adoption or rejection of the amendments to the Constitution, shall be held, the votes counted, and returns made thereof, in accordance with the law now in force, except that the presiding officers of the several precincts, in the different counties, shall make their returns within five days after said election, and the Chief Justice shall open and count out said votes on the fifth day after said election; and where two or more counties compose a district, the returns shall be made to the returning Chief Justice of the district, on the twelfth day after the election.

Sec. 2. Be it further ordained, That polls shall be opened, and register made of all persons voting on the amendments to the Constitution; and if a majority of those voting on said amendments vote "For the Amendments," then they shall be final; and if said majority be "Against the Amendments," they shall be considered rejected.

Sec. 3. Be it further ordained, That the election on the subject of the amendments be by ballot.

Sec. 4. Be it further ordained, That the returning officers throughout the State shall make returns of said elections to the Secretary of State, on or before the First Monday in August next.

Sec. 5. Be it further ordained, That His Excellency the Provisional Governor be requested to co-operate in the execution of this ordinance.

Passed March 29, 1866.

NUMBER 5.

AN ORDINANCE,

Requiring the Assessment and Collection of Taxes for the year 1866.

Section 1. Be it ordained by the delegates of the people of Texas in Convention assembled, That the Assessors and Collectors of the several counties of this State are required to assess a tax of twenty cents on the hundred dollars' worth of property, as a State tax for the year 1866, except such property as was exempt under the laws in force in this State on the first day of January, 1861.

Sec. 2. That the several counties may assess and collect, for county purposes, one-half of the amount of the poll and other tax herein levied for the State.

Sec. 3. That a tax of one dollar a head shall be levied upon all the male inhabitants within the State between the ages of twenty-one and fifty-five years.

Sec. 4. There shall be assessed and collected of each person, or firm, or public corporation, having money loaned at interest, a tax at the rate of thirty cents on each hundred dollars so loaned; of each and every person or firm engaged in the sale of goods, wares and merchandise, vinous or spirituous liquors, when sold in quantities of a quart or more, a tax of thirty cents on each hundred dollars' value of such articles purchased for sale as agent or auctioneer, by such person or firm; of each and every person or firm keeping a bar, drinking saloon, or dram shop, an annual direct tax of fifty dollars for each and every such establishment; of each and every person or firm having a distillery, an annual direct tax of thirty dollars on each still containing eighty gallons, and an annual direct tax of sixty dollars on each still containing more than eighty gallons; of each and every person pursuing the occupation of hawker or peddler of goods or other articles, not manufactured in this State, an annual direct tax of one hundred dollars in each and every county in which he may pursue such occupation; of each and every person or firm keeping a billiard table, an annual direct tax of one hundred dollars for each and every table so kept; of each and every person or firm keeping a nine or ten pin alley, an annual direct tax of sixty dollars for each and every alley so kept; of each and every person or firm keeping a hotel, cook-shop, restaurant, or eating house, for pay or emolument, an annual direct tax of thirty-two dollars for each

and every such establishment; of each and every person or firm keeping a race-track, an annual direct tax of eighty dollars; of each and every person or firm pursuing the occupation of real estate broker, ship broker, merchandise, cotton, exchange, or money broker, or any commission business, an annual direct tax of thirty dollars for each and every such establishment; of each and every firm or person occupied in the business of auctioneering, an annual direct tax of forty dollars; of each and every person pursuing the occupation of a pawnbroker, an annual direct tax of forty dollars; of each and every person practicing the profession of attorney and counselor-at-law, an annual direct tax of ten dollars; of each and every person practicing the profession of doctor or physician, an annual direct tax of ten dollars.

Sec. 5. That the taxes herein levied shall be collected and returned by the 1st day of August, 1866, and the Comptroller shall take all necessary steps, and prescribe rules to insure the prompt and efficient collection of the same.

Sec. 6. That in order to facilitate the business necessarily incident to the office of Comptroller of Public Accounts, that officer is hereby authorized to employ, temporarily, any number of additional clerks as, in his judgment, may be necessary in properly keeping the books, and conducting the affairs of his office.

Sec. 7. That the sum of twelve hundred dollars is hereby appropriated for the purchase of books, printing of blank rolls, purchase of stationery, and for contingencies that may arise which are necessary to carry into full effect this ordinance.

Sec. 8. That the assessment of taxes herein levied shall be assessed as of the 1st day of April, 1866; and this ordinance shall be in force from its passage.

Passed March 29, 1866.

NUMBER 6.

AN ORDINANCE,

Relative to the Direct Tax Levied Upon the State of Texas by the United States.

Whereas, By act of Congress of August the 6th, 1861, there was levied upon the several States of the United States the sum of

twenty millions of dollars, which sum was apportioned by said act among the several States as therein provided; and,

Whereas, The sum apportioned to the State of Texas is three hundred and fifty-five thousand one hundred and six and two-third dollars, which sum is to be collected in the manner provided (in) said act, and the act of June 7th, 1861; and

Whereas, It is provided by said act of Congress that the States may assume the payment of said tax upon certain conditions:

Now, therefore, the people of the State of Texas, by their delegates in Convention assembled, do ordain and declare as follows:

First. The State of Texas hereby assumes the payment to the Government of the United States of such sum as may be necessary to discharge said tax levied upon the State of Texas, under the rules, regulations, limitations, restrictions and allowances in said act provided.

Second. The Comptroller of Public Accounts is hereby created a Commissioner, whose duty it shall be to confer with the proper authorities at Washington City, upon all matters connected with said direct tax.

Third. That the powers of said Commissioner shall extend to the negotiation of all matters relative to said tax.

Fourth. Said Commissioner shall have power to cancel on behalf of the State of Texas, in payment of said tax, any indebtedness due by the Government of the United States to the State of Texas, on account of advances which may have been made by the State for objects of frontier protection, or on account of any bonds that the State may hold against the United States for indemnity or otherwise, and to any other character of indebtedness whatever that may exist from the Government of the United States to the State of Texas. Further, that said Commissioner shall report to the first Legislature which shall assemble in this State after the adoption of this ordinance.

Fifth. That the sum of one thousand dollars be and the same is hereby appropriated out of the funds of the Treasury of the State, or so much of the same as shall be actually necessary to defray the expenses of said Commissioner in carrying into effect this ordinance.

Passed March 15, 1866.

NUMBER 7.

Whereas, Within the last six months whole families of loyal citizens of the United States have been shamefully and brutally murdered by Indians upon the Northwest frontier of Texas; and, whereas, a large number of women and children have been carried into captivity by remorseless savages, whose depredations upon life and property are daily becoming more frequent and bold; and, whereas, the protection of the frontier from depredations by hostile Indians, has always been, and is now, a matter of great importance to the people of Texas; and, whereas, a large portion of the Northwest border is now, and has been for several months, almost entirely at the mercy of hostile Indians, and, under the force of existing circumstances, is likely to remain in that unfortunate condition until the United States military posts shall have been re-established along the frontier border; and, whereas, we rely upon the disposition and ability of the United States Government to re-establish those military posts, and to protect the frontier. Now, therefore, be it

Resolved by the delegates of the loyal people of the State of Texas, in Convention assembled, That his Excellency, Andrew Johnson, President of the United States, be and he is hereby respectfully solicited to take into immediate consideration the present deplorable condition of the frontier people of Texas, and to render to them that early and efficient protection of which they are so much in need.

Resolved 2d, That his Excellency, A. J. Hamilton, Provisional Governor of the State of Texas, be and he is hereby respectfully requested to forward a copy of the foregoing preamble and resolution to his Excellency, the President of the United States, with such an approval and recommendation as he may feel that his knowledge of the facts in the premises will warrant him in making.

Passed February 21, 1866.

NUMBER 8.

Whereas, the Convention, at a former day, passed resolutions declaratory of the defenceless condition of the people settled upon the frontier of the State; and,

Whereas, authentic information has been received by the Convention from almost all the counties of the frontier, of extensive

raids by Indians since that time—raids in which large herds of horses and cattle were stolen and driven off, and many men, women and children, murdered and mutilated in the most barbarous manner, and many others carried away into captivity, whose condition is far worse than that of those who suffered death by the tomahawk and scalping knife; and,

Whereas, whole counties on said frontier, heretofore settled, have been depopulated by savage incursions, and it being fully demonstrated that, without efficient aid, speedily afforded, the people of the frontier counties must, and inevitably will, give way, and the settlements recede still farther into the interior; therefore,

Be it resolved by the people of Texas, in Convention assembled, That the Governor be requested, and he is hereby authorized to appoint immediately a suitable Commissioner to repair to Washington City to make known to the General Government the condition of the people settled upon the frontier of this State; and that the State is utterly powerless to afford the necessary aid and protection.

Be it further resolved, That said commissioner is hereby instructed to urge upon the President and Secretary of War the fact, that the "Kickapoo" tribe of Indians now settled in Mexico, between Piedras Negras and Santa Rosa, are continually making raids into the settlements of Texas, and killing and carrying off our citizens and driving off large quantities of cattle and horses into Mexico; that they are well armed, and savage in the warfare they wage; and now have in their possession numbers of white children, captured in their raids; and also the necessity of sending immediately a sufficient number of troops to occupy the posts heretofore occupied by the United States forces, between Red River and the Rio Grande, in order that the frontier of the State may be fully protected, and the people secured in their persons and property.

Passed March 21, 1866.

NUMBER 9.

AN ORDINANCE,

Defining the Constitution of the State of Texas.

Section 1. Be it ordained by the people of Texas, in Convention assembled, That the Constitution of the State of Texas shall be as

follows: The Constitution of the State of Texas, as in force on the 28th day of January, A. D., 1861.

The following Ordinances adopted by this Convention:

The Ordinance entitled "Freedom," adopted as a substitute for Article 8th in the Constitution in force in January 28th, 1861.

The Ordinance declaring the war debt void, and for other purposes.

The Ordinance assuming the United States Direct Tax.

The Ordinance on the subject of Secession.

Sec. 2. All other amendments that may be made by this Convention shall be submitted to the people at the first general election, or on the fourth Monday in June, 1866, for their acceptance or rejection; and if accepted by them, shall become a part of said Constitution, and not otherwise. The amendments submitted to the people shall present the whole Constitution as proposed to be amended.

Passed March 27, 1866.

NUMBER 10.

AN ORDINANCE.

Section —. Any county, city, or town of this State, may become a stockholder in, or loan its credit to, any company, association, or corporation; provided, two-thirds of the qualified electors of such county, city, or town, voting at an election held therein, under rules and regulations prescribed by law, assent to the same.

Passed March 29, 1866.

NUMBER 11.

AN ORDINANCE,

Making Valid the Laws and Acts of Officers Therein Mentioned, and for Other Purposes.

Section 1. Be it ordained by the Representatives of the people of Texas, in Convention assembled, That all laws and parts of laws

enacted by the Legislature of this State since the first day of February, 1861, not in conflict with the Constitution and laws of the United States, nor with the Constitution of this State, as it existed prior to the 1st day of February, 1861, and not in conflict with the Provisional Governor's proclamations opening the courts, and authorizing the institution of suits, are declared to be in full force as laws of this State; and all the acts of courts, officers of courts, and the acts of the different officers of the State, executive, judicial and ministerial, done in compliance with the laws of the State, and in conflict neither with the Constitution and laws of the United States, nor with the Constitution of this State, as it existed prior to the 1st day of February, 1861, are declared to be valid; provided, that nothing in this ordinance shall be so construed as to render valid any law of the Legislature, or the acts of any officer, or any judicial proceeding declared void, or annulled by this Convention.

Sec. 2. It is further ordained, That the acts of all the officers appointed by his Excellency A. J. Hamilton, Provisional Governor of the State of Texas, done in accordance with the laws of said State, are hereby declared to be as valid and binding as if said officers had been elected or appointed in the manner prescribed by the Constitution and laws of said State.

Sec. 3. Be it further ordained, That all the ordinances, resolutions and proceedings of a Convention of the people of the State of Texas, begun and held on the 28th day of January, 1861, and on the 2d day of March, 1861, together with the amendments to the Constitution adopted by said Convention for this State are declared null and void.

Sec. 4. Be it further ordained, That no suit or prosecution shall be maintained, or recovery had against any agent, bailee, executor, administrator, or trustee, who may have been compelled by virtue of the acts of the Confederate Congress, in good faith, to surrender and deliver to the Confederate States' Receivers property or money in their hands, held as such agents, bailees, executors, administrators, or trustees; and in all cases where executors, administrators, trustees, agents, or bailees have received and paid out Confederate or State currency, the courts, in the settlement of their accounts, shall be governed by principles of justice and equity, as well for the protection of the rights of heirs, and creditors, as of such executors, administrators, trustees, agents and bailees.

Sec. 5. Be it further ordained, That no person shall be sued in any civil action, nor prosecuted in any criminal proceeding, for or

on account of any seizure, sale, impressment, or injury to property or person, or other act done since the second day of February, A. D. 1861, by virtue or in pursuance of military or civil authority given by the Confederate States Government, or by this State, or in pursuance of orders given by any person vested with such authority; nor shall any person be held responsible, in any civil action or criminal prosecution, for any such injury to person or property, in which he was not an actual participant, or accessory before or after the fact, according to the rules of common law.

Sec. 6. Be it further ordained, That in all civil actions, the time between the 2d day of March, 1861, and the 2d day of September, 1866, shall not be computed in the application of any statute of limitations.

Sec. 7. Be it further ordained, That in all suits now pending, or that may hereafter be instituted, upon contracts in writing, made since the 2d day of March, A. D., 1861, and prior to the 2d day of July, 1865, payable in dollars and cents, parol testimony may be introduced to show the intention of the parties to the transaction: and such parol testimony may be introduced to show that dollars in Confederate, or other paper currency, were intended, and the marketable value thereof at the time of maturity; and the same rules shall obtain where such currency was the consideration of a contract which is otherwise valid.

Sec. 8. Be it further ordained, That all persons domiciliated in the State of Texas, who were absent during the late civil war, against whom any judgment was rendered in this State, since the 1st day of February, A. D., 1861, and previous to the 1st day of August, A. D., 1865, wherein service was obtained by publication, and there was no personal appearance in the suit, and wherein there was no personal service upon, or appearance by, a party who left the State after the 1st day of February, 1861, shall have two years from the 1st day of April, 1866, within which to re-open and set aside such judgment, upon the ground of such absence from the State, which shall have the effect to set aside any sale or disposition of any property of such absentee, made under or by virtue of such judgment.

Sec. 9. Be it further ordained, That no court of this State shall take cognizance of any suit or suits against any county of this State, to recover any debt contracted or incurred by any of said counties, in support of the late civil war; nor shall the people of any county in said State be taxed to pay any such debts.

Sec. 10. Be it further ordained, That no suit or criminal action shall be maintained in the courts of this State for any taxes or duties of any kind, received or collected since the 2d day of March, 1861, and prior to the 5th day of August, 1865; and all sales of property for taxes between said dates are hereby annulled and set aside.

Sec. 11. Be it further ordained, That nothing in this or any other ordinance of this Convention contained shall prejudice the right of the State of Texas to recover any United States Bonds, or the value thereof, or money or property of any description, which may have been obtained under contracts or pretended contracts, or otherwise improperly.

Sec. 12. Be it further ordained, That the following acts of the Legislature of Texas, having had relating to a state of civil war, are hereby annulled, and all proceedings thereunder, now pending, are hereby abated, to-wit:

First.—An act entitled “An Act to exclude from office, serving on juries, taking or holding property, and from the right of suffrage, all persons who take the alien oath, leave our country to avoid the service, or who join the enemy, or in any wise give them aid and comfort.” Approved 5th March, 1863.

Second.—An act entitled “An Act to punish persons who evade, or assist in evading, the conscript laws of the Confederate States of America.” Approved March 6th, 1863.

Third.—An act entitled “An Act to authorize the use of the jails of the several counties for the custody of deserters, and other offenders under military law.” Approved November 27th, 1863.

Fourth.—An act entitled “An Act to aid Enrolling Officers in discharge of their duties.” Approved December 11th, 1863.

Fifth.—An act entitled “An Act supplemental to and amendatory of an Act to adopt and establish a Penal Code.” Approved December 14th, 1863.

Sixth.—An act entitled “An Act to amend an act to define and punish sedition and to prevent the dangers which may arise from persons disaffected to the State.” Approved December 16th, 1863.

Seventh.—“An Act to define and punish the crime of disloyalty to the State of Texas.” Approved December 16th, 1863.

Eighth.—An act entitled “An Act to prescribe the punishment for encouraging desertions from the army or navy of the Confederate States, or the State of Texas.” Approved December 16th, 1863.

Passed March 30, 1866.

NUMBER 12.

AN ORDINANCE.

Securing the Common School and University Fund, and for Other Purposes.

Be it ordained by the people of the State of Texas in Convention assembled, That the Legislature, at its first session, shall provide for issuing coupon bonds of the State for the 5 per cent. United States bonds and interest transferred from the University Fund to the State Revenue account, in February, 1860; and when issued they shall be placed in the Treasury to the credit of said fund.

Sec. 2. Be it further ordained, That all 5 per cent. United States bonds and coupons transferred from the Common School fund since the 28th of January, 1861, that are in the possession of, or may be recovered by the State shall be secured to said fund; and any portion of said bonds or coupons that may be used for the payment of the direct tax due the United States, shall be secured by coupon bonds of the State and placed to the credit of said fund; and the Legislature of the State is hereby directed to carry this section into effect.

Sec. 3. Be it further ordained, That the Legislature of this State shall have no authority, and are hereby forbidden to assume or provide by taxation or otherwise, for the payment of any other claim of pretended liability of the State to said funds, not enumerated in this ordinance.

Passed April 2, 1866.

NUMBER 13.

AN ORDINANCE,

To Provide for a Division of the State of Texas.

Section 1. Be it ordained by the people of the State of Texas in Convention assembled, That the Legislature shall be vested with power to give the consent of the State to the erection of a new State or States, within the limits of this State, and to pass all laws necessary to designate the boundaries of such new State or States, to enable the people of the same, to organize State Governments. The

Legislature is also vested with power to settle the claims of such new State or States, to a proper share of the School Fund and the Public Domain.

Passed April 2, 1866.

NUMBER 14.

AN ORDINANCE.

Authorizing the Appointment of a Commissioner of Statistics, for the Promotion of Immigration.

Resolved, That the Legislature may provide for the appointment of a Commissioner of Statistics, to organize a system for the promotion of immigration to the State of Texas, whose duty it shall be to collect information in regard to the mineral resources, productions and populations of the State, and to prepare and publish such documents as may be calculated to furnish correct information about all the counties of the State, and inviting immigration from other States and countries.

Passed April 2, 1866.

NUMBER 15.

AN ORDINANCE.

Be it ordained by the people of Texas, in Convention assembled, That all warrants issued for the payment of troops, called into the service of the State, by his Excellency, Governor Houston, previous to the second day of March, 1861, are hereby validated, and the Legislature, at its first session hereafter, shall provide for the payment of the same; and all amounts due for said services, for which warrants have not been issued in payment thereof, are hereby validated in like manner.

Passed March 31, 1866.

NUMBER 16.

AN ORDINANCE.

Be it ordained by the people of Texas, in Convention assembled, That all the State, district and county Officers, under the Constitution, as proposed to be amended, shall be elected on the fourth Monday in June next. If the amendments to the Constitution are adopted by the people, the officers elected shall hold their offices under the Constitution, as amended; and if rejected, they shall hold their offices under the present Constitution.

Passed March 31, 1866.

NUMBER 17.

AN ORDINANCE,

To Equalize the Labor, and Make Uniform the Terms of the Judicial Districts.

Be it ordained by the people of the State of Texas, in Convention assembled, That it shall be the duty of the Legislature, at its first session, and from time to time thereafter, to divide the State into convenient Judicial Districts, so as to assign to each Judge, as nearly as practicable, thirty-two weeks of judicial labor, per annum; and upon such divisions and assignment of labor, the District Judges and District Attorneys of those districts which may be divided and parceled out to other districts, shall thenceforth cease to hold their offices; provided, however, that unless the amendments to the Constitution shall be ratified by the people, this ordinance shall be null and void.

Passed March 31, 1866.

NUMBER 18.

AN ORDINANCE,

Making an Appropriation for the per diem pay and Mileage of the Members, and the per diem pay of the Officers of the Convention.

Section 1. Be it ordained by the delegates of the people of Texas, in Convention assembled, That the members and officers of said Convention shall receive from the State Treasury, as a compensation for their services, the sum of eight dollars per day, and the members, likewise, eight dollars per day for every twenty-five miles travel, coming to and going from the Convention.

Sec. 2. Be it further ordained, That the sum of forty thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the Treasury, not otherwise appropriated, to pay the mileage and per diem aforesaid.

Sec. 3. Be it further ordained, That the certificate of the Secretary of the Convention will be sufficient to authorize the Comptroller to draw upon the Treasurer for such sums as may be due the members and officers aforesaid, and that this ordinance take effect from its passage.

Passed February 28, 1866.

NUMBER 19.

AN ORDINANCE,

Making an Appropriation of Money for per diem pay and Mileage.

Resolved, by this Convention, That an additional sum of forty thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the mileage and per diem pay of the members and officers of this Convention.

Passed March 23, 1866.

NUMBER 20.

AN ORDINANCE.

Be it ordained by the people of Texas in Convention assembled, That the sum of thirty-two hundred dollars be, and the same is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of defraying the expenses of the four delegates elected by this Convention to visit Washington; and the Treasurer is hereby authorized to pay the sum of eight hundred dollars to each of said delegates upon the presentation of their certificate of election of the Secretary of this Convention.

Passed March 29, 1866.

NUMBER 21.

AN ORDINANCE,

Appropriating Money to Pay Salary of Governor Houston, for Unexpired Term, to His Heirs.

Resolved That his Excellency, A. J. Hamilton, Provisional Governor of this State, be requested to cause to be paid, out of any moneys now in the Treasury of this State not otherwise appropriated, to the widow of General Sam Houston, the sum of nineteen hundred and twenty-five dollars, (\$1,925,) the amount due him as Governor elect of the State for the full term for which he was elected.

Passed March 27th, 1866.

NUMBER 22.

AN ORDINANCE,

Making an Appropriation to Defray the Printing and Other Contingent Expenses of the Convention.

Resolved, That the sum of six thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropri-

ated out of any money in the Treasury not otherwise appropriated to defray the printing, and other contingent expenses of the Convention; and that the Secretary of the Convention be authorized and required to draw upon the State Treasurer for such amounts as may be necessary from time to time, upon the reports of the Committee as adopted by the Convention.

Passed March 2, 1866.

NUMBER 23.

AN ORDINANCE,

Making an Additional Appropriation for Contingent Expenses.

Resolved, That an additional sum of four thousand dollars be appropriated, or so much thereof as may be necessary, to defray the contingent expenses of the Convention.

Passed March 29, 1866.

NUMBER 24.

AN ORDINANCE,

Appropriating Money to Defray Contingent Expenses of Convention.

Resolved, That a further sum of five thousand dollars, or so much as may be necessary, be and the same is hereby appropriated to defray the contingent expenses of this Convention.

NUMBER 25.

AN ORDINANCE.

For the Relief of James M. Green and Others, Proper Subjects to be Beneficiaries in the Blind Asylum.

Be it ordained by the people of the State of Texas, in Convention Assembled, That for the support of James M. Green,

and such other persons as may be applicants and proper subjects for admission into the Blind Asylum, prior to the re-opening of said institution under the direction of the Legislature, the sum of three thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated to be expended under the direction of the Governor of said State; and it shall be the duty of the Treasurer to pay the same upon the order, or orders of the Governor, out of any moneys in the Treasury not otherwise appropriated.

Passed March 27, 1866.

NUMBER 26.

Resolved, That Article XIII, Schedule of the Constitution of 1845, Sec. 2 of Art. XI, and also Sec. 36, of Art. VII, General Provisions, be stricken out, the same being obsolete.

Passed March 31, 1866.

NUMBER 27.

AN ORDINANCE,

For the Relief of the People of Orange County.

Whereas, By the ravages of a tornado, in the month of September, 1865, the dwelling houses, corn cribs, barns, stables and fences, together with the crops in the fields, and the timber on almost every farm or plantation in the County of Orange, were either destroyed or greatly damaged, and in the town of Orange only four houses were left standing, whereby the people of said county are in a destitute condition, and are generally unable to pay the State tax, now due, or that which may hereafter be assessed for the current year; Therefore, Be it ordained by the people of Texas, in Convention assembled, That all persons who resided in the county of Orange, on the 13th of September, A. D., 1865, and all the property in said county, be, and they are hereby relieved and exempted from the payment of the State tax, now due, and of any State tax that may hereafter be imposed for the year 1866.

Passed March 31, 1866.

NUMBER 28.

Section 1. Be it ordained, That whenever, by reason of any ordinance passed by this Convention, any right of action is revived which, under the operations of the laws heretofore enacted, may have been barred by limitations, the same shall be maintainable, only on condition that no interest on the claim shall be allowed, from and after the same was so barred. There shall be a stay of execution of all judgments heretofore rendered, or that may hereafter be rendered, until the adjournment of the first Legislature, convened after the adjournment of this Convention, leaving the matter with the Legislature to grant relief; provided that Hunt county shall be exempted from the operation of this ordinance.

Passed March 29, 1866.

NUMBER 29.

AN ORDINANCE.

Whereas, the State of Texas possesses an area of one hundred and seventy-five million, five hundred and ninety-four thousand acres of land, (very little of which is not adapted to agricultural or pasturage purposes) through which her enterprising citizens have in contemplation a net work of railroads, four hundred and sixty miles being now in running order, one of which roads commences at the Eastern boundary of the State, running West to Houston, and there connecting with others extending to Galveston; to Columbia, on the Brazos; to the River Colorado, at Columbus; to Brenham, and on the line known as the Central Railroad, extending to the distance of one hundred and forty miles, from the Port of Galveston; none of which railroads have any present connection with those of other States;

Whereas, the Convention of Texas, now assembled at Austin, has assurances that there is in course of construction, from St. Louis, in the State of Missouri; the Southwest Branch Railroad to the Indian Territory; also, that the Leavenworth, Lawrence and Port Gibson Railroad is being built, South to the North line of the Indian Territory, connecting with the Union Pacific Railroad.

And, whereas, we regard the construction of a railroad from the North to the South line of the Indian Territory, connecting

with these and Texas railroads, and navigable streams of the South, not only as entirely practicable, but imperative in developing the vast resources of the territory embraced in this system of roads; and as an important means of bringing into more intimate, harmonious and advantageous relations, the people of the section embracing these roads, not only with each other, but with those of the remainder of the United States; Therefore,

Resolved, That the Convention of the State of Texas respectfully recommend to the Congress of the United States to adopt such measures as that Honorable body may deem expedient, to cause a South Branch to the Union Pacific Railroad, to be immediately constructed through the Indian Territory, in the same manner in which the Union Pacific Road is now being built.

And, be it further resolved, That a copy of these resolutions be immediately transmitted to the President of the Senate and Speaker of the House of Representatives of the Congress of the United States.

Passed March 21st, 1866.

THE STATE OF TEXAS, }
DEPARTMENT OF STATE.

I Certify, That the foregoing pages contain true copies, and the date of passage, of *all* the enrolled Ordinances of the late Convention of the People of Texas, as they appear on file in this Department; also, a true copy of the Amended Constitution, adopted by said Convention, as it appears enrolled and signed in this office; the added words and clauses being printed in *italics*; also a true copy of the Proclamation of His Excellency, James W. Throckmorton, Governor, declaring the ratification of the amendments to said Constitution by the People of Texas.

I further certify, That from the official Journal of said Convention, deposited in this office, it appears, that the said Convention begun its Session at the City of Austin, on the 7th day of February, A. D., 1866, and adjourned on the second day of April of the same year.

[Seal] Given under my hand, and the seal of said Department, at Austin, Texas, this 18th day of December, A. D., 1866.

JNO. A. GREEN,
Secretary of State.

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GENERAL LAWS

OF

THE STATE OF TEXAS

PASSED BY THE

ELEVENTH LEGISLATURE.

BY AUTHORITY

AUSTIN
1866

GENERAL LAWS.

CHAPTER I.

An Act making an Appropriation for the Mileage and per diem pay of the Members, and the per diem pay of the Officers of the Eleventh Legislature of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of eighty thousand dollars, in United States currency, or so much thereof as may be necessary, be and the same is hereby appropriated, out of any money in the Treasury, not otherwise appropriated, for the mileage and per diem pay of the members, and the per diem pay of the officers of the Eleventh Legislature of the State of Texas.

Sec. 2. That the certificate of the Secretary of the Senate, or the Chief Clerk of the House, shall be sufficient evidence to the Comptroller, upon which he shall audit the claims, and draw his Warrants upon the Treasurer for the respective amounts, and this Act shall take effect from its passage.

Approved August 23d, 1866.

CHAPTER II.

An Act to authorize the transcript of the Records of the County Court of Bowie County.

Section 1. Be it enacted by the Legislature of the State of Texas, That the County Court of Bowie county be, and they are hereby authorized to have transcribed, from the original books now in the office of the County Clerk's office of said

county, so much of the records thereof as they may deem proper; and that the said transcript, when so made by the order of said County Court, be as legal and valid in all respects as the matter contained in the original books.

Sec. 2. That the said County Court are authorized to cause to be paid to the County Clerk of said county, a sum not to exceed twenty cents per hundred words for said transcript so ordered; said amount to be paid by said county.

Sec. 3. And that this Act take effect from and after its passage.

Approved August 30th, 1866.

CHAPTER III.

An Act to authorize the Treasurer of the State to receipt for Funds now in the Treasury, and to dispose of the same.

Section 1. Be it enacted by the Legislature of the State of Texas, That M. H. Royston, Treasurer of the State of Texas, be, and he is hereby authorized to receipt in full to Samuel Harris, former Provisional Treasurer of said State, for the sums of four hundred and ten dollars, supposed to be counterfeit United States currency, and for sixty-two dollars Louisiana and South Carolina bank bills, and two hundred and one Mexican and South American doubloons, taken at \$15 60.

Sec. 2. Be it further enacted, That said Royston, Treasurer as aforesaid, be, and he is hereby authorized to dispose of said bank bills in such manner as to him may seem best for the interest of the State.

Sec. 3. That this Act take effect and be in force from and after its passage.

Approved August 31st, 1866.

CHAPTER IV.

An Act to establish the mileage of Assessors and Collectors.

Section 1. Be it enacted by the Legislature of the State of Texas, That hereafter the assessors and collectors of the State taxes shall be allowed the sum of twenty cents, in United States

currency, for every mile traveled by them in going to, and returning from the seat of Government, in the settlement of their accounts with the Comptroller.

Sec. 2. That this Act take effect and be in force from and after its passage.

Approved August 31st, 1866.

CHAPTER V.

An Act authorizing the State Treasurer to employ an extra Clerk for the term of six months.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Treasurer is hereby authorized to employ an extra clerk for the term of six months, to assist in dispatching the business of the office, which, at this time, is unusually heavy; and that the sum of six hundred dollars in currency, or so much thereof as may be necessary, be, and the same is hereby appropriated to pay the services of said extra clerk.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved September 4th, 1866.

CHAPTER VI.

An Act making an Appropriation to defray the Contingent Expenses of the Eleventh Legislature.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of fifteen thousand dollars, or so much thereof as may be required, be, and the same is hereby appropriated out of any unappropriated funds in the Treasury to defray the expenses of the Eleventh Legislature; and that the certificates of the Secretary of the Senate and Chief Clerk of the House of Representatives to the correctness of, and the approval of the Chairman of Contingent Expenses Committees of the Senate and House to the respective accounts against the two Houses, shall be sufficient authority for the Comptroller to

draw his Warrant upon the Treasurer for the several amounts charged against said fund.

Sec. 2. That this Act take effect from its passage.

Approved September 4th, 1866.

CHAPTER VII.

An Act to make an appropriation to pay the Funeral expenses of the Hon. J. W. Guinn, deceased.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of two hundred dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any funds in the State Treasury, not otherwise appropriated, for the purpose of defraying the funeral expenses of the Hon. J. W. Guinn, deceased; and that the Secretary of the Senate is hereby authorized and required to draw upon the State Treasury for a sufficient amount of money to pay said expenses, and to settle the same.

Sec. 2. That this Act take effect and be in force from and after its passage.

Approved September 4th, 1866.

CHAPTER VIII.

An Act to legalize the acts of all the Officers appointed by the Provisional Governor of the State, or elected under the present Constitution and Laws, on the 25th day of June, 1866.

Section 1. Be it enacted by the Legislature of the State of Texas, That the official acts of all officers appointed by the Provisional Governor, or elected under the present Constitution and laws on the 25th day of June, 1866, done in conformity with the laws in force at the time of such acts, are hereby declared to be legal and valid: Provided, that no office shall be held to be vacant by reason of the person elected at said election having failed to qualify within the time prescribed by law.

Sec. 2. Be it further enacted, That this Act take effect and be in force from and after its passage.

Approved September 6th, 1866.

CHAPTER IX.

An Act making an Appropriation for Repairing and Refurnishing the Executive Mansion.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of Eight Thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated for repairing and painting the roof, repainting the wooden surfaces, exterior and interior, and for refurnishing completely the Governor's Mansion, and improving the grounds.

Sec. 2. Be it further enacted, That said sum be drawn by, and expended under the supervision of the Secretary of State; and he is hereby directed and required immediately to contract for said repairs with the lowest bidder, requiring bonds, with approved security, for the faithful performance of the contracts, and the completion of the same within three months from the date thereof: Provided, that separate contracts shall be made for repairing, painting and furnishing: Provided, the work be let out to the lowest bidder, after published proposals in the State Gazette, in the city of Austin.

Sec. 3. Be it further enacted, That this Act take effect and be in force from and after its passage.

Approved September 6th, 1866.

CHAPTER X.

An Act apportioning the State into Congressional Districts, and providing for the election of members to the Congress of the United States:

Section 1. Be it enacted by the Legislature of the State of Texas, That the State be, and is hereby divided into Congressional Districts, as follows:

I. The territory comprised within the limits of the following named counties shall compose the first Congressional District of the State of Texas, and shall elect one representative to the Congress of the United States, to-wit: Chambers, Jefferson, Orange, Hardin, Liberty, Polk, Tyler, Jasper, Newton, Sabine, San Augustine, Angelina, Trinity, Houston, Anderson, Henderson, Cherokee, Nacogdoches, Shelby, Panola, Rusk, Smith, Van Zandt, Wood, Upshur and Harrison.

II. The territory comprised within the limits of the following named counties shall compose the Second Congressional District of the State of Texas, and shall elect one representative to the Congress of the United States, to-wit: Davis, Bowie, Red River, Titus, Hopkins, Lamar, Fannin, Hunt, Collin, Grayson, Cook, Denton, Wise, Montague, Jack, Clay, Young, Palo Pinto, Archer, Wichita, Wilbarger, Baylor, Throckmorton, Buchanan, Eastland, Shackelford, Callahan, Taylor, Jones, Haskell, Knox, Hardeman, Tarrant, Parker, Johnson, Ellis, Dallas, Marion and Kaufman.

III. The territory comprised within the limits of the following named counties shall compose the Third Congressional District of the State of Texas, and shall elect one representative to the Congress of the United States, to-wit: Navarro, Hill, Bosque, Erath, Comanche, Hamilton, San Saba, Lampasas, Coryell, McClennan, Limestone, Freestone, Leon, Robertson, Falls, Bell, Burnet, Llano, Gillespie, Blanco, Hays, Travis, Williamson, Milam, Burleson, Brazos, Madison, Bastrop, Kerr, Mason, Comal, Kendall, Grimes, Walker, Washington, Bandera, Edwards, Kimball, Menard, Concho, McCulloch, Brown, Coleman and Runnels.

IV. The territory comprised within the limits of the following named counties shall comprise the Fourth Congressional District of the State of Texas, and shall elect one representative to the Congress of the United States, to-wit: Harris, Galveston, Brazoria, Matagorda, Wharton, Fort Bend, Austin, Colorado, La Vaca, Jackson, Victoria, Calhoun, Caldwell, Gonzales, Guadalupe, DeWitt, Bexar, Karnes, Goliad, Bee, Refugio, San Patricio, Cameron, Nueces, Hidalgo, Starr, Zapata, Fayette, Live Oak, Webb, Atascosa, Medina, Uvalde, Dawson, Kinney, Frio, Zavala, Maverick, Dimmitt, La Salle, McMullen, Duval, Encinal, El Paso, Presidio and Montgomery.

V. That it shall be the duty of the Governor to issue writs for the election of four representatives to serve in the United States Congress, for the unexpired term of the present session of Congress, ending on the 3rd day of March, 1867, and shall also issue writs for the election of the same number of representatives to serve for two years in the Congress of the United States, from and after the fourth day of March, 1867; said writs shall direct the election of each set of representatives to be held on the same day, as herein provided for.

VI. That said election shall be held on the fifteenth day of October, 1866, under the same rules and regulations as provided for in other elections, except that Judges of the election shall

make return of the polls held in their respective precincts, to the Judges of the County Courts, within five days after the election, and the County Judges shall make return thereof to the Secretary of State, at Austin, within twenty days therefrom.

VII. It shall be the duty of the Governor and Secretary of State to open and compare the returns from each Congressional District in the State, and the Governor shall issue certificates of election to the persons receiving the highest number of votes in each District.

VIII. The Governor shall order an election, under the same rules and regulations as is provided for other elections in each Congressional District, for members to represent the State in the Congress of the United States, to take place on the day of the general election in August next, preceding the expiration of the terms of the representatives elected under this act; and on the same day of the general election biennially thereafter, the Judges of said election shall report, as by law directed, to the Secretary of State; whereupon the Secretary of State and Governor shall open and compare the polls, and the Governor shall issue certificates of election to such persons as receive the highest number of votes in each District.

IX. That this Act take effect from and after its passage.

Approved September 8th, 1866.

CHAPTER XI.

An Act to provide for elections in certain cases.

Section 1. Be it enacted by the Legislature of the State of Texas, That in all cases, whether the same relates to counties or other municipal organizations, where no election was held, or ordered, prior to the expiration of the Provisional State Government, on the 13th August, 1866, in accordance with the laws in force; all the officers of such county or municipality who were last duly elected in the manner prescribed by the laws previously in force, shall be regarded as continuing in office, and shall resume the same, and the proper officers shall immediately cause an election to be held in said counties or municipalities, and the returns thereof made as provided by law, of all officers to which the said counties or municipalities may be entitled, who shall hold their offices respectively until the next regular election thereof: Provided, however, that this act shall not apply to

assessors and collectors, and nothing herein shall be construed to operate against the instructions of the Comptroller of Public Accounts given to assessors and collectors of the Provisional State Government, and such assessors and collectors shall be liable to, and perform such duties as may be required of them by the said Comptroller that he may regard as necessary for the collection and payment of the taxes, until their successors have qualified.

Sec. 2. In case there shall be no officers within a county or municipality competent to order an election, then, upon due notice being given throughout the county or municipality of the time and place of meeting, the electors of the same shall choose such suitable person as they may deem fit, who shall have power to order the election of such officers as are needed, appoint presiding officers, and make return thereof as now provided for by law, certifying the facts upon which he acted to the Secretary of State, who will issue commissions as in other cases, and the officers thus elected shall hold their offices until the next regular election.

Sec. 3. That this Act take effect and be in force from and after its passage.

Approved September 15th, 1866.

CHAPTER XII.

An Act to provide for the Protection of the Frontier of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That there may be raised three battalions of Texas Rangers for the protection of the northern and western frontier of the State of Texas, to consist of ten companies, giving to two battalions three, and to one battalion four companies, to be raised as hereinafter prescribed, and to consist of one captain, two lieutenants, four sergeants, four corporals, one bugler, one farrier and eighty-seven privates each. The field and staff officers to consist of one colonel, one lieutenant colonel, and one major, one assistant adjutant general, with the rank of captain, one adjutant with the rank of first lieutenant, one assistant quartermaster and commissary with the rank of captain, and two assistant quartermasters and commissaries with the rank of first lieutenant, one surgeon with the rank of major, and three assistant surgeons with the rank of captains, entitled to pay as follows, to-wit:

The colonel shall receive two hundred dollars per month, lieutenant colonel one hundred and fifty dollars per month, the major one hundred and forty dollars per month, captains one hundred and twenty-five dollars per month, lieutenants ninety dollars per month, first sergeants, thirty-eight dollars per month, sergeants, thirty-four dollars per month, corporals, buglers and farriers, thirty-three dollars per month, and privates, thirty dollars per month; Provided, the pay of all officers and men, shall be in currency, and further that the pay herein provided shall be full compensation in lieu of all other pay and commutation for clothing for officers and men.

Sec. 2. Said men shall furnish themselves with horses, arms and accoutrements, and shall be furnished with ammunition, and shall be enlisted for twelve months unless sooner discharged.

Sec. 3. The requisite number of men for said battalions, shall be raised if possible in the counties of Cook, Denton, Montague, Clay, Jack, Wise, Young, Parker, Tarrant, Palo Pinto, Johnson, Hill, Erath, Comanche, Hamilton, Bosque, Coryell, Lampasas, Brown, San Saba, McCulloch, Mason, Menard, Llano, Williamson, Burnet, Blanco, Comal, Kendall, Gillespie, Kerr, Bandera, Uvalde, Frio, Medina, Atascosa and such other counties as border on the above line of counties; Provided, that the Governor may receive three companies of said regiment from other counties not specified.

Sec. 4. That the Governor be authorized immediately after the passage of this Act, to commission competent persons, one for every company, to enroll the number of men for a company; and when at least sixty-four men shall have been enrolled, they shall organize, by holding an election for company officers, and the captain elected shall return a muster roll, and such other reports as may be required by the Governor to the Adjutant General's Department, and hold his company in readiness to take the field, in obedience to orders from the Governor or superior officer.

Sec. 5. The Governor shall have power to appoint the field and staff officers, together with all disbursing officers of each battalion, and shall have power to remove from office any of the field or staff officers for neglect of duty, incompetency or disobedience of orders, and furloughs and leaves of absence shall be granted under rules and regulations prescribed by him.

Sec. 6. The troops raised under and by virtue of this Act, shall be governed by the rules and regulations of the army of the United States, but shall always be subject to the authority of the State of Texas for frontier service, and shall not be removed beyond the limits of the State of Texas, (except for the purpose

of following and chastising marauding bands of Indians wherever found,) and it shall be the duty of the Governor to forward a copy of this Act to the Secretary of War, urging the acceptance of said battalions for frontier protection.

Sec. 7. That no portion of said troops shall become a charge against the State of Texas until organized as required by the fourth section of this Act, and placed under orders.

Sec. 8. That the quartermaster and commissary of said regiment be authorized under instructions from the Governor to contract for the following transportation for the regiment, viz: One six mule team and wagon, together with such number of pack animals and accoutrements as the colonel with the Governor's approval, may require for each battalion as transportation for the troops, and one two horse wagon and two mules for the field and staff of each battalion. The supplies are to be delivered by contractors at the place designated by the commanding officer, who shall give information to the quartermaster and commissary at what point and at what time the supplies must be delivered, and all supplies purchased by the quartermaster must be of good quality; and his accounts or certificates shall be examined and allowed by the commanding officer in the field before the same shall become binding as a claim against the State; Provided, that the office of assistant quartermaster and commissary, within the meaning of this Act, is but one office, and is to be held but by one person.

Sec. 9. That the Governor shall have power to disband said battalions or any portion of them whenever, in his judgment, their services may no longer be necessary for frontier protection, and may thereafter call into the service and reorganize such companies and battalions whenever the condition of the frontier may require it, provided it shall not be for a longer period than twelve months, and should the same not be accepted by the United States Government under the provisions of this Act.

Sec. 10. The present Legislature shall make all necessary appropriations, and provide means to enable the Executive of this State to carry out the provisions of this act.

Sec. 11. That the acts to provide for the protection of the frontier, passed February 7th, 1861, and December 24th, 1861, be and the same are hereby repealed.

Sec. 12. This Act to take effect and be in force from and after its passage.

Approved September 21, 1866.

CHAPTER XIII.

An Act for the relief of the County of Milam.

Section 1. Be it enacted by the Legislature of the State of Texas, That the County Judge of Milam county is hereby authorized to call a special term of the Police Court of said county, for the purpose of levying the county tax for the year eighteen hundred and sixty-six, (1866) and that the same shall be as valid as if levied at a regular term; Provided, that the County Judge and any two of the county commissioners, or any three of the county commissioners shall be competent to levy said tax.

Sec. 2. That this Act shall take effect from its passage.

Approved September 21, 1866.

CHAPTER XIV.

An Act making an appropriation for the mileage and per diem pay of J. B. Boyd, delegate of the Texas State Convention.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of one hundred and twenty-eight dollars in currency be and the same is hereby appropriated out of any money in the Treasury not otherwise appropriated, for the payment of the mileage and per diem of J. B. Boyd, delegate to the Texas State Convention, which convened at the city of Austin on the 7th day of February, A. D. 1866, and that the certificate of the Secretary of the ltte Convention shall be sufficient evidence to draw the money.

Sec. 2. That this Act take effect and be in force from and after its passage.

Approved September 21, 1866.

CHAPTER XV.

An Act to authorize the Police Court of the county of Denton, to issue bonds of the county for the purpose of erecting public buildings for the county.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Police Court of the county of Denton be, and is hereby empowered to authorize the issuing of bonds in the

name of said county, in any amount not to exceed ten thousand dollars, for the purpose of erecting the necessary public buildings for the use of said county.

Sec. 2. That said bonds shall be for sums of not less than twenty-five, and not more than one hundred dollars, to be payable in not less than four or not more than ten years from the date thereof, with coupon interest attachments, payable yearly if not more than ten per cent. per annum, on the amount of the bond.

Sec. 3. That said bonds when issued shall be sold for not less than their face value in the United States currency, and the coupons as they become due shall be receivable for county taxes.

Sec. 4. That this Act shall be in force and take effect, from and after its passage.

Approved September 26th, 1866.

CHAPTER XVI.

An Act for the Regulation of Pilots.

Section 1. Be it enacted by the Legislature of the State of Texas, That the ninth section of An Act entitled "an act for the regulation of Pilots, approved April 17th, 1846," be and the same is hereby amended, so as to read as follows: That the rate of pilotage on any class of vessels shall not, in any port of this State, exceed four dollars for each foot of water which the vessel, at the time of piloting draws, and that whenever a vessel, except of the classes below excepted, shall decline the service of a pilot offered her outside the bar, and shall enter the port without the aid of one, she shall be liable to the first pilot whose services she so declined, for the payment of half pilotage; and any vessel, which after being brought in by a pilot, shall go out without employing one, shall be liable to the payment of half pilotage to the pilot who brought her in, or if she has come in without the aid of a pilot, though offered outside, she shall in so going out be liable for the payment of half pilotage to the pilot, who had first offered his services before she came in; but if she has come in without the aid of a pilot, or the offer of it outside, she shall in case of going out without a pilot, not be liable to half pilotage; and when a pilot takes charge of a vessel twenty miles outside of the bar and brings her to it, he shall be entitled to one-fourth pilotage for such off shore service, in addition to

what he is entitled to recover for bringing her in; but if such off shore service be declined, no portion of the said compensation shall be recovered; and the following classes of vessels shall be free from any charge for pilotage, unless for actual service, to-wit: all vessels of twenty tons and under; all vessels of whatsoever burthen, owned in the State of Texas and registered and licensed in the District of Texas, when arriving from or departing to any port of the State of Texas; all vessels of seventy-five tons and under, owned and licensed for the coasting trade in any part of the United States, when arriving from or departing to any port in the State of Texas; all vessels of seventy-five tons and under, owned in the State of Texas and licensed for the coasting trade in the District of Texas, when arriving from or departing to any port in the United States.

Sec. That this act take effect from its passage.

Approved September 26th, 1866.

CHAPTER XVII.

An Act restricting the sale of vinous and spirituous liquors in the vicinity of Concrete College.

Section 1. Be it enacted by the Legislature of the State of Texas, That from and after the promulgation of this act, it shall be unlawful for any person to vend vinous or spirituous liquors, in any quantities whatever, in the village of Concrete, in DeWitt county, and within four miles of the college buildings therein erected, or that may be erected hereafter, provided that whenever it may be necessary to use vinous or spirituous liquors for medicinal purposes, the same may be sold, upon the party wishing to buy producing a written statement, signed by some practicing physician, recommending the sale thereof for medicinal purposes, and specifying the amount required.

Sec. 2. That each and every person who may violate, or in any manner contravene the provisions of the first section of this act, shall for each violation forfeit a sum not less than fifty or more than one hundred dollars, recoverable on complaint of any citizen of the county of DeWitt, before any Justice of the Peace having jurisdiction, one-half thereof, when collected, to be paid into the treasury of said county for the use of schools, and the other to the party complaining.

Sec. 3. That the Trustees of Concrete College shall cause

a survey to be made so as to fix and determine the boundaries of the district or tract in which the sale of vinous and spirituous liquors is prohibited, and mark the same; and the surveyor in making the survey shall be required to run not more than four lines, and shall so run them that no point in any of said lines shall be less than four miles from the college buildings, and any person who shall vend vinous or spirituous liquors within the limits fixed by said survey, shall be punished in the manner designated in the first section of this act, unless sold for medicinal purposes as provided for in the first section.

Sec. 4. Be it further enacted, That all suits under the provisions of this Act shall be brought in the name of the complainant, and conducted as such; and this Act be in force from and after the expiration of thirty days from the passage hereof.

Approved September 26th, 1866.

CHAPTER XVIII.

An Act making appropriation for the payment of salaries of officers of the Provisional Government, and for indebtedness of the State, incurred during the pendency of said Government, still remaining unpaid.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of fifteen thousand dollars in currency, or so much thereof as may be necessary, be and the same is hereby appropriated to pay the salaries of Provisional officers and indebtedness incurred during the pendency of the Provisional Government, now remaining unpaid; and that this act take effect and be in force from and after its passage.

Approved September 26th, 1866.

CHAPTER XIX.

An Act to authorize the County Courts of Collin and Grayson Counties to levy a Special Tax for the erection of Court Houses and Jails therein.

Section 1. Be it enacted by the Legislature of the State of Texas, That the County Courts of Collin and Grayson coun-

ties be, and they are hereby authorized to levy a Special Tax for the years 1867, 1868, 1869 and 1870, in addition to the county tax now authorized by law, upon the taxable property of said counties, not to exceed in any one year the sum of ten cents on each hundred dollars of valuation, which tax, shall be levied, collected and returned, the same as other county tax, and when collected, shall be applied to the building of Court Houses and Jails in said counties, and to no other purposes; Provided the Jails shall be built first.

Sec. 2. That this Act take effect and be in force from and after its passage.

Approved September 26th, 1866.

CHAPTER XX.

An Act to prohibit the sale or otherwise disposing of spirituous or other intoxicating liquors, within six miles of Salado College.

Section 1. Be it enacted by the Legislature of the State of Texas, That it shall not be lawful for any person either with, or without license, to sell, give away, or in any manner dispose of any spirituous, vinous, or other intoxicating liquors, within six miles of Salado College, except for medical or sacramental purposes; and any person violating the provisions of this act, shall, upon conviction before a Justice of the Peace, or other court having jurisdiction, be deemed guilty of a misdemeanor, and fined in any sum not less than fifty, nor more than two hundred dollars; and this Act shall be of force from its passage.

Approved September 26th, 1866.

CHAPTER XXI.

An Act to legalize the Election Returns for District Judge and Attorney for the 12th Judicial District.

Section 1. Be it enacted by the Legislature of the State of Texas, That the returns of the election on the 25th June, 1866, for District Judge and Attorney, made by the Chief Justice of the county of Cameron, for the counties of Cameron, Hidalgo

and Starr, and now on file in the office of the Secretary of State, are hereby duly legalized, and the Secretary of State is hereby requested to issue certificates of election to the persons elect for said offices.

Sec. 2. That this Act take effect from and after its passage.

Approved September 27th, 1866.

CHAPTER XXII.

An Act to prohibit the sale of spirituous liquors, within three miles of "Osage Academy," in the county of Colorado, except for medicinal or sacramental purposes.

Section 1. Be it enacted by the Legislature of the State of Texas, That if any person or firm shall, within three miles of an institution of learning in the county of Colorado, in this State, known as "Osage Academy," sell, exchange, barter or give away, any spirituous liquors, except for medicinal or sacramental purposes, in any quantities whatever, such person or persons shall, upon conviction thereof, be declared guilty of a misdemeanor, and fined in any sum not exceeding one hundred dollars, for each and every offence, and the jury may, at their discretion add confinement in the county jail not exceeding thirty days. And it shall not be necessary in prosecutions, under the provisions of this act, for the State to prove that the spirituous liquors sold, exchanged, bartered, or given away were not for medicinal or sacramental purposes.

Approved September 24th, 1866.

CHAPTER XXIII.

An Act to change the western boundary line of the counties of Uvalde, Zavalla and Dimmit.

Section 1. Be it enacted by the Legislature of the State of Texas, That the western boundary line of Uvalde, Zavalla and Dimmit, be changed as follows: Beginning at the south west corner of Edwards county, and running a due south course to a point due west from the south line of Dimmit county.

Sec. 2. The territory lying adjacent to the counties of

Uvalde, Zavalla and Dimmit on the west, and east of the aforementioned north and south line, become component parts of said counties of Uvalde, Zavalla and Dimmit; the east and west lines of the counties of Uvalde, Zavalla and Dimmit be extended to intercept the aforementioned north and south line.

Sec. 3. All laws and parts of laws, conflicting with the provisions of this act, be hereby repealed.

Sec. 4. That this Act take effect from and after its passage.

Approved September 29th, 1866.

CHAPTER XXIV.

An Act authorizing the Judge of the 13th District, to hold a special term of the District Court in Robinson and Falls Counties.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Judge elect of the 13th District is hereby authorized to hold a special term of the District Court, in and for Robertson and Falls counties, at any time to be named by him, after having give ndue notice; provided the said special term shall not conflict with any of the regular terms of said Court to be holden in any of the counties of said District.

Sec. 2. The Clerk of the District and County Courts shall, thirty days prior to the time fixed for holding said special term, draw from the jury box twenty four persons to serve as jurors at said special term, as now provided by law for regular terms of the District Courts, and the venire drawn by the County Court, for the regular term of said court, to serve as Grand Jurors, shall constitute the venire, and shall serve as Grand Jurors for said special term, and shall be summoned by the proper officer, and shall be subject to all penalties as is prescribed by law; and all process heretefore issued, and made returnable to the regular term shall be returnable to said special term; and the proceedings, orders and judgments of said special term shall be as valid as if made or rendered at a regular term of said court.

Sec. 3. That the District Clerk of said county is hereby required to issue venires for Jurors and all other necessary process returnable to the said special term of the court.

Sec. 4. That this Act be and remain in force from and after its passage.

Approved October 1, 1866.

CHAPTER XXV.

An Act to appropriate four hundred dollars, or so much thereof as may be necessary, for the use of the Supreme Court Room.

Section 1. Be it enacted by the Legislature of the State of Texas, That four hundred dollars, or so much thereof as may be necessary, is hereby appropriated, out of any monies in the Treasury not otherwise appropriated, for the purpose of fitting up and providing the necessary furniture and stationery for the Supreme Court Room.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved October 5, 1866.

CHAPTER XXVI.

An Act to authorize the Police Courts for the several counties in the State to levy and collect a Special Tax.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Police Court of each and every county in the State shall be, and they are hereby authorized, whenever in the judgment of said court a necessity exists, to levy and collect annually, a special ad valorem tax upon all property, real, personal and mixed, in their county, not to exceed half the amount of the State tax, which shall be levied and collected the same as other taxes, and shall be appropriated and paid out solely for the purpose of building Courthouses and Jails, and keeping the same in good repair.

Sec. 2. That all laws, so far as they conflict with the provisions of this Act, be and the same are hereby repealed, and this Act shall take effect and be in force from and after its passage.

Approved October 5th, 1866.

CHAPTER XXVII.

An Act making an appropriation to furnish the office of the Attorney General of the State with the necessary furniture and Stationery.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of two hundred dollars, or so much thereof as may be necessary, be and the same is hereby appropriated, out of any funds in the Treasury not otherwise appropriated, for the purpose of purchasing furniture and stationery for the office of the Attorney General of the State, and that the same be expended under the direction of the Secretary of State.

Sec. 2. That this Act take effect and be in force from and after its passage.

Approved October 6th, 1866.

CHAPTER XXVIII.

An Act to organize the County of Kinney and attach the adjoining territory thereto.

Section 1. Be it enacted by the Legislature of the State of Texas, That the county of Kinney be organized with the following limits, beginning at the south-west corner of Edwards county, and running due south with the western line of Uvalde county to the south-west corner of Uvalde county; thence due west to the Rio Grande, forming the last and south line of said county; and running due west from the beginning corner to the San Pedro or Devil's River, and with the meanders of said stream and Rio Grande to the south line of said county, forming the north and west boundary of said county.

Sec. 2. That the citizens of said county of Kinney be authorized to organize said county, by petition to the County Judge of Uvalde county; or, in case of failure of the Judge of Uvalde county to call an election, then, on petition of said citizens of Kinney, any County Judge may call an election for said organization.

Sec. 3. That the county seat of Kinney be located by a vote of the citizens of said county, at any suitable place within fifteen miles of the geographical centre of said county.

Sec. 4. That until such time as the county of Kinney is organized, and all territory attached thereto by this Act, be and is hereby attached to Uvalde county for judicial purposes, and all taxes shall be collected by the Assessor and Collector of Uvalde county until such organization.

Sec. 5. All territory belonging to Bexar county, lying north and west of said county of Kinney is hereby attached to Kinney county, for judicial and other purposes.

Sec. 6. All acts and parts of acts conflicting with the provisions of this Act be and are hereby repealed.

Sec. 7. That this Act take effect from and after its passage.

Passed October 5th, 1866.

CHAPTER XXIX.

An Act to organize the County of Maverick.

Section 1. Be it enacted by the Legislature of the State of Texas, That the county of Maverick be organized with the following limits: Beginning at the southwest corner of Uvalde county and running due west to the Rio Grande, for the north boundary; and running due south from said beginning corner, to the southwest corner of Dimmit county, and thence due west to the Rio Grande.

Sec. 2. That the citizens of said county of Maverick be authorized to organize said county by petition to the County Judge of Uvalde county, or in case of failure of said Judge of Uvalde county to call said election, then, on petition of said citizens of Maverick county, any County Judge may call an election for said organization.

Sec. 3. That the county seat of Maverick county be located at the town of Eagle Pass.

Sec. 4. That until such time as the county of Maverick is organized, it be, and is hereby attached to Uvalde county for judicial and other purposes; and that the Assessor and Collector of Uvalde county be required to collect all taxes in said Maverick county until such organization.

Sec. 5. That all laws and parts of laws conflicting with the provisions of this Act, be and are hereby repealed.

Sec. 6. That this Act take effect from and after its passage.

Passed October 5th, 1866.

CHAPTER XXX.

An Act authorizing the Judge of the 8th Judicial District to hold a Special Term of the District Court of Davis County.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Judge of the 8th Judicial District is hereby authorized to hold a special term of the District Court in and for Davis County, at any time to be named by him, for criminal purposes, after giving due notice: Provided, the said special time (term) shall not conflict with any of the regular terms of said court to be holden in any of the counties of said District.

Sec. 2. That the Clerk of the District and County Courts shall, thirty days prior to the time fixed for holding said special term, draw from the jury box twenty-four persons to serve as jurors at said special term, as now provided by law for regular terms of the District Courts, and the venire drawn by the County Court for the regular term of said Court, to serve as grand jurors, shall constitute the venire, and shall serve as grand jurors for said special term, and shall be summoned by the proper officer, and shall be subject to all penalties prescribed by law; and all process heretofore issued and made returnable to the regular term shall be returnable to said special term; and the proceedings, orders and judgments of said special term shall be as valid as if made or rendered at a regular term of said court.

Sec. 3. That the District Clerk of said county is hereby required to issue venires for jurors, and all other necessary process returnable to the said special term of the court.

Sec. 4. That this Act be and remain in force from and after its passage.

Approved October 8th, 1866.

CHAPTER XXXI.

An Act supplementary to an act entitled "An Act Apportioning the State into Congressional Districts, and providing for the Election of Members to the Congress of the United States.

Section 1. Be it enacted by the Legislature of the State of Texas, That Wilson county be, and is hereby attached to the Fourth Congressional District.

Sec. 2. The County Judge shall order an election to be held in said county, for representatives in the Congress of the United States, in accordance with the Governor's proclamation of the 8th of September, 1866, giving at least five days' notice of said election, and the returns of the election shall be made as provided for the other counties of said district.

Sec. 3. This Act to take effect and be in force from and after its passage.

Approved October 8th, 1866.

CHAPTER XXXII.

An Act to repeal an act entitled "An Act to prohibit the sale of intoxicating Liquors within four and a half miles of the Court House in Fort Worth, Tarrant County, Texas."

Section 1. Be it enacted by the Legislature of the State of Texas, That an act entitled "An Act to prohibit the sale of intoxicating liquors within four and a half miles of the courthouse in Fort Worth, Tarrant county, Texas," approved December 21st, 1861, be, and the same is hereby repealed.

Sec. 2. That this Act take effect and be in force from and after its passage.

Approved October 9, 1866.

CHAPTER XXXIII.

An Act to Appropriate the Necessary Means to enable the Governor to Organize the Frontier Regiment.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of five thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury not otherwise appropriated, to enable the Governor to organize the frontier troops provided for by an act approved September 21st, 1866.

Sec. 2. That the funds herein appropriated, shall be used for the purpose of procuring stationery, blank forms, muster rolls, printing, postage, and in the payment of incidental expenses incurred in procuring said organization; and this Act to be in force from its passage.

Approved October 10, 1866.

CHAPTER XXXIV.

An Act to relieve the people from the payment of certain Taxes.

Section 1. Be it enacted by the Legislature of the State of Texas, That the people of the State are hereby relieved from the payment of the special tax of four cents upon each hundred dollars value of property, imposed by the Act of April 8th, 1861, entitled "An Act authorizing a loan, and imposing a specific tax to meet the principal and interest thereof, under the provisions of the 33d section of the 7th article of the Constituion of the State," and the 4th section of said Act, together with all laws which were passed for the purpose of carrying the same into effect, are hereby repealed; Provided, however, that nothing in this Act contained shall be construed to impair the claim of the State against any assessor and collector, who may have collected the tax aforesaid, or any portion thereof, either in gold and silver or the recognized liabilities of this State, and who has failed to pay over the same as required by law; but such assessor and collector and his sureties shall be held liable thereon.

Sec. 2. That whenever any assessor and collector shall have collected said tax in gold and silver or the recognized liabilities of this State, he shall be required to pay such gold and silver or recognized liabilities as he received into the State treasury, or, in case of the collection being in gold and silver, he shall be authorized to pay into the State treasury in discharge of his liability, United States Treasury warrants, or the recognized liabilities of this State, at their par market value in gold and silver coin, at the city of Austin, at the time of their presentation for payment at the Treasury.

Sec. 3. In case the collection of said tax shall have been made in the Treasury warrants or other liabilities of the late Confederate States, or in unrecognized Texas liabilities, the assessors and collectors aforesaid shall be discharged from the payment of the same, or anything in lieu thereof; Provided, however, that whenever suits have been brought against assessors and collectors in such cases, it shall be their duty to pay over to the District Attorney the currency or liabilities thus received, who will thereafter dismiss said suit, and it is made the duty of such District Attorney immediately to notify the Comptroller of such action and settlement, and in case of his receiving Texas liabilities, he shall forward them to the Comptroller.

Sec. 4. That this Act take effect and be in force from and after its passage.

Approved October 10th, 1866.

CHAPTER XXXV.

An Act to provide for districting the State of Texas into Judicial Districts.

Section 1. Be it enacted by the Legislature of the State of Texas, That the State be divided into fourteen Judicial Districts, as hereinafter provided.

The First District shall be composed of the following named counties, viz: Brazoria, Matagorda, Wharton, Jackson, Colorado, Fort Bend, Fayette and Austin.

Sec. 2. The Second District shall be composed of the counties of Bastrop, Caldwell, Guadalupe, Hays, Blanco, Gillespie, Mason, Llano, Burnet, Williamson and Travis.

Sec. 3. The Third District shall be composed of the counties of Brazos, Milam, Burleson, Washington, Harris and Galveston.

Sec. 4. The Fifteenth District shall be composed of the counties of Chambers, Hardin, Liberty, Jefferson, Orange, Tyler, Trinity, Polk, Jasper, Newton and Angelina.

Sec. 5. The Thirteenth District shall be composed of the counties of Montgomery, Grimes, Walker, Madison, Robertson, Limestone, Freestone, Navarro and Leon.

Sec. 6. The Sixth District shall be composed of the counties of Sabine, San Augustine, Shelby, Panola, Harrison, Rusk and Upshur.

Sec. 7. The Eighth District shall be composed of the counties of Marion, Davis, Bowie, Red River, Titus, Lamar, Hopkins and Wood.

Sec. 8. The Ninth District shall be composed of the counties of Houston, Anderson, Cherokee, Nacogdoches, Smith, Henderson and Van Zandt.

Sec. 9. The Sixteenth District shall be composed of the counties of Kaufman, Ellis, Hill, Johnson, Erath, Palo Pinto, Parker, Tarrant and Dallas.

Sec. 10. The Twentieth District shall be composed of the counties of Fannin, Hunt, Collin, Grayson, Cook, Wise, Jack, Montague, Clay, Young and Denton.

Sec. 11. The Nineteenth District shall be composed of the

counties of Bell, Coryell, Lampasas, San Saba, Brown, Comanche, Hamilton, Bosque, Falls and McLennan.

Sec. 12. The Eighteenth District shall be composed of the counties of Bexar, Comal, Kerr, Kendall, Atascosa, Bandera, Uvalde, Medina and Wilson.

Sec. 13. The Tenth District shall be composed of the counties of Victoria, Lavaca, DeWitt, Gonzales, Calhoun, Goliad, Bee, Refugio, Karnes and Live Oak.

Sec. 14. The Twelfth District shall be composed of the counties of Nueces, San Patricio, Cameron, Hidalgo, Starr, Zapata and Webb.

Sec. 15. The present session of the Legislature shall proceed to fix the times of holding the Courts in the several Districts herein provided for, and shall also re-number the same from one consecutively up to fourteen.

Sec. 16. The counties of El Paso and Presidio are hereby attached to the Eighteenth District as herein created, and in law providing for the time of holding courts in the county of Bexar, time should be given for the determination of all suits that may be transferred from said counties of El Paso and Presidio to the District Court of Bexar county.

Sec. 17. That for judicial purposes the county of Duval shall be attached to the county of Nueces; the counties of Encinal and Dimmit to Webb; the counties of McMullen and La Salle to Live Oak; the county of Frio to Atascosa; the counties of Kinney, Maverick, Zavalla and Dawson to Uvalde; the county of Edwards to Bandera; the county of Kimball to Gillespie; the county of Menard to Mason; the counties of Concho and McCulloch to San Saba; the counties of Runnels and Coleman to Brown; the counties of Taylor, Callahan and Eastland to Comanche; the counties of Jones, Shackelford and Stephens to Palo Pinto; the counties of Haskell, Knox, Hardeman, Greer, Wilbarger, Baylor and Throckmorton to Young; the counties of Archer and Wichita to Clay.

Sec. 18. The Fifth, Seventh, Eleventh, Fourteenth, Seventeenth and Fourth Judicial Districts, as heretofore existing, having been divided and parceled out to other Districts, shall henceforth cease to exist, and the District Judges and District Attorneys in said named Districts so divided and parceled out, shall cease to hold their offices as such from and after the 31st day of December, 1866.

Approved October 11, 1866.

CHAPTER XXXVI.

An Act supplementary to and amendatory of an Act entitled An Act to provide for the Re-districting the State into Judicial Districts, passed at the present session of the Legislature.

Section 1. Be it enacted by the Legislature of the State of Texas, That the first Judicial District shall be composed of the counties of Brazoria, Matagorda, Wharton, Fort Bend, Colorado, Fayette and Austin.

Sec. 2. That the Second Judicial District shall be composed of the counties of Bastrop, Travis, Williamson, Burnet, Blanco, Hays, Guadalupe and Caldwell.

Sec. 3. The Tenth Judicial District shall be composed of the counties of Calhoun, Jackson, Lavaca, Gonzales, DeWitt, Victoria, Goliad and Refugio.

Sec. 4. The Fourteenth Judicial District shall be composed of the counties of Nueces, San Patricio, Live Oak, Atascosa, Bexar, Wilson, Karnes and Bee.

Sec. 5. The Twelfth Judicial District shall be composed of the counties of Cameron, Hidalgo, Starr, Zapata, Webb, Kinney and Maverick.

Sec. 6. The Eighteenth Judicial District shall be composed of the counties of Comal, Kerr, Kendall, Bandera, Uvalde, Medina, Mason, Llano and Gillespie, El Paso and Presidio; Provided, that nothing herein contained shall be construed to reinstate the District heretofore designated as the Fourth Judicial District.

Sec. 7. The county of Hardeman is hereby attached to the county of Young for judicial purposes, and the county of Hardin detached therefrom, and the county of Edwards to the county of Uvalde.

Sec. 8. That all laws conflicting with this Act are hereby repealed, and this Act take effect and be in force from and after the first day of January, one thousand eight hundred and sixty-seven.

Sec. 9. That the eighteenth section of the Act to which this Act is supplemental be so amended as to read as follows: The Fifth, Seventh, Eleventh, Seventeenth and Fourth Judicial Districts, as heretofore existing, having been divided and parceled out to other Districts, shall cease to exist from and after the thirty-first day of December, one thousand eight hundred and sixty-six; and the District Judges and District Attorneys in said

named Districts so divided and parceled out, shall cease to hold their offices as such from and after the thirty-first day of December, one thousand eight hundred and sixty-six.

Approved October 11th, 1866.

CHAPTER XXXVII.

An Act to regulate the time of holding Sessions of the Supreme Court.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Supreme Court of the State of Texas shall hereafter hold its sessions as follows:

Once every year at the city of Austin, in the county of Travis, commencing on the first Monday in October, and shall continue in session twelve weeks, unless the business pertaining to the same is sooner disposed of.

Once every year at the city of Galveston, in the county of Galveston, commencing on the second Monday in January, and shall continue in session ten weeks, unless the business pertaining to the same is sooner disposed of.

Once in every year at the town of Tyler, in the county of Smith, to commence on the second Monday in April, and shall continue in session until the last Saturday in June, unless the business pertaining to the same is sooner disposed of.

Section 2. That all laws heretofore in force, so far as they conflict with the provisions of this Act, be, and the same are hereby repealed, and that this Act shall take effect and be in force from and after its passage.

Approved October 15th, 1866.

CHAPTER XXXVIII.

An Act concerning Alien Passengers.

Section 1. Be it enacted by the Legislature of the State of Texas, That when any vessel shall arrive at any port or harbor within this State, with alien passengers on board who have never before been within the State, the Master and commanding

officer of such vessel shall, within twenty-four hours after such arrival, make a report in writing, under oath, to the Commissioner of Immigration, or to his Assistant or Agent at such port, or to the Mayor of any city or town, of the name, age, sex, occupation, place of birth, last place of residence, and condition of every such passenger, and none of them shall be landed or permitted to land until such report shall be made, except as hereinafter provided.

Section 2. That if, on examination, there shall be found among such passengers, any lunatic, idiot, maimed, aged or infirm person, incompetent, in the opinion of the Commissioner of Immigration, or to the Mayor of any city or town, to maintain themselves, or who have been paupers or criminals in any other country, or any other of the United States, he shall not permit any such passengers to land.

Provided, however, That if it shall be made to appear to said Commissioner of Immigration, or to the Mayor of any city or town, by undoubted evidence, that any passengers on board of such vessel are in such condition as to health, property, capacity and character, that they are not likely to become chargeable to any city, town or county, he may permit them to be landed, and the names of such passengers shall be certified by said Commissioner of Immigration on the back of the report.

And provided further, That if any such passengers are so sick and destitute as to require relief, and if said Master shall refuse to report them, the Commissioner of Immigration may permit them to be landed; and, in such cases, any city or town that shall be put to any expense, for the support, sickness or burial of any such passenger, within two years of the time he or she has landed, may maintain an action of debt against said Master, owner, or consignee, or agent, and recover all expenses incurred as aforesaid.

Section 3. That if any Master or commanding officer of any vessel shall land or permit to be landed, in this State, any alien passengers as aforesaid, without complying with the provisions of this Act, said Master or commanding officer, and the owner or consignee thereof, shall severally forfeit the sum of five hundred dollars for every such alien passenger so landed.

Provided always, That the provisions of this Act shall not extend to seamen sent from foreign places by Consuls or Vice-Consuls of the United States; nor to vessels coming on shore in distress, nor to any alien passengers taken from any wreck where life is in danger.

Approved October 15th, 1866.

CHAPTER XXXIX.

An Act requiring County Clerks to take charge of the Records of County Surveyor's Office, in certain cases.

Section 1. Be it enacted by the Legislature of the State of Texas, That whenever an organized county, within the State of Texas, from any cause, has not a qualified County Surveyor, the County Clerk of each and every one of such counties is hereby required to take charge of all records, maps, and papers, belonging to County Surveyor's office, and safely keep the same in his office.

Sec. 2. That the County Judges are hereby required to appoint such person or persons, from time to time, as County Surveyors, as are qualified, and will accept such appointment, to do and perform all the duties of a County Surveyor, and be entitled to such fees for all field work as the party or parties requiring the work done may contract to pay. To the field notes of all surveys made, said surveyor will certify, under oath, before the County Judge, according to existing laws; Provided, nothing herein contained shall be so construed as to prevent County Surveyors, when duly elected and qualified, from performing the duties of their office.

Sec. 3. That this act take effect from and after its passage.

Approved October 18, 1866.

CHAPTER XL.

An Act to repeal an Act prescribing the order of determining cases in the Supreme Court, approved February 7, 1861; and also an Act approved February 27, 1861, entitled "An Act to amend the first Section of an Act entitled "An Act prescribing the order of determining cases in the Supreme Court, approved February 7, 1861."

Section 1. Be it enacted by the Legislature of the State of Texas, That an act entitled "An act prescribing the order of determining cases in the Supreme Court, approved February 7,

1861," and also an act approved December 27, 1861, entitled "An act to amend the 1st Section of an act entitled an act prescribing the order of determining cases in the Supreme Court, approved February 7th, 1861," be and the same are hereby repealed.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved October 19, 1866.

CHAPTER XLI.

An Act supplemental to and amendatory of an act entitled An Act to regulate proceedings in the District Courts, approved May 13, 1846.

Section 1. Be it enacted by the Legislature of the State of Texas, That in all suits for the trial of the title to land, where the field notes of the survey call to run to a line in the prairie, and where there are no objects along which the line might be marked, the course and distance of a line so calling for another, may be varied so as to connect with the line so called for, where the same has been or may be ascertained and determined by actual survey.

Sec. 2. That titles to land which may have been deposited in the General Land Office subsequently to the time when the land embraced by such titles had been located or surveyed, by virtue of valid land warrants or certificates, shall not be received as evidence of superior title to the land, against any such location or survey, unless such elder title had been duly recorded in the office of the County Clerk of the county where the land may have been situated, prior to the location and survey, or the party having such location or survey made had actual notice of the existence of such elder title before he made such location or survey.

Sec. 3. That this act take effect and be in force from and after its passage.

Approved October 20, 1866.

CHAPTER XLII.

An Act to organize and define the Powers of a Court of Criminal Jurisdiction for the Counties of Galveston and Harris, and to prescribe the duties thereof.

Section 1. Be it enacted by the Legislature of the State of Texas, That there is hereby created a Court of original and exclusive criminal jurisdiction in all cases of felony, for the counties of Galveston and Harris, and the Judge thereof shall, by virtue of his office, have all the powers and perform all the duties appertaining to Judges of District Courts within this State, in all criminal matters, and to grant all such writs and process as the District Judge can or may do in the execution of the criminal laws of the State, and shall have and exercise appellate jurisdiction, and the same general control over inferior tribunals, in said counties, in criminal cases, as is now exercised by said District Court; and all appeals from judgments of said court, created by this Act, shall be to the Supreme Court, in the same manner as now provided by law for appeals in criminal cases from District Courts.

Sec. 2. The Judge of said Court shall have power to grant, on application to him, writs of habeas corpus and mandamus.

Sec. 3. The said Court, in each county, shall have a seal similar to those of the District Court, with the words, "Criminal Court of _____ County" engraved thereon, an impression of which seal shall be attached to all writs and other process issuing from said Court, and shall be used in the authentication of all official acts of the Clerk of said Court.

Sec. 4. Said Judge shall hold a term of said Court in the city of Houston on the second Monday in December, one thousand eight hundred and sixty-six, and in the city of Galveston on the second Monday in January, one thousand eight hundred and sixty-seven, and on the second Monday of each succeeding month alternately in the cities of Houston and Galveston, and at such other times as said Judge may order and appoint.

Sec. 5. The practice in the said Court shall be conducted according to the laws now in force, governing the practice of the District Courts, and the rules of evidence and pleading in the District Courts shall govern, except so far as hereinafter altered.

Sec. 6. The District Courts of Galveston and Harris counties shall retain and have jurisdiction of all criminal causes which may be pending in said Courts when this Act takes effect, unless

the same are transferred and disposed of in the manner herein provided. At the first term of the District Court holden in said counties, respectively, after this Act takes effect, the Court shall, in each criminal cause where the defendant appears in person, cause an order to be entered in the records of the Court, transferring such cause to the Criminal Court of the same county, and the defendant or defendants so appearing shall be required by the same order to enter into bond or recognizance in such sum as the said District Court may determine, with sureties satisfactory to the Court, conditioned that the defendant or defendants shall appear before the Criminal Court of the same county, on the first day of the next term thereof, and answer to the indictment in the said cause, and remain from day to day, and from term to term, in said Criminal Court, until the cause is disposed of, and abide the order of the Court therein; and in case any defendant shall neglect or refuse to enter into such bond or recognizance, he shall be, by order of the Court, immediately committed to the jail of the county, there to remain until he shall enter into such bond or recognizance, or shall be thence discharged by due course of law. And it shall be the duty of the Clerk of the District Court of said counties, immediately after the transfer of any cause to said Criminal Court, to furnish to the Clerks thereof all the papers in the District Court pertaining to such cause, and a certified copy of all orders and other proceedings relating thereto; and it shall be the duty of the Clerk of said Criminal Court to enter the same on the docket of said Court, the same as original causes, together with all the orders made therein in the District Court; and thereupon the said Criminal Court shall have as full power to hear, try and determine the said cause as if the same had been originally commenced therein. And in all cases of indictments heretofore found in the District Courts of said counties of Galveston and Harris, in which the defendant or defendants have not been arrested, the Clerk of the District Court in which such indictment has been found shall immediately transfer the same to the Criminal Court of the same county and all process in said cases shall thereafter issue from and be returnable to said Criminal Court. And whenever a defendant in such indictment shall be arrested, he may in all bailable cases give bail for his appearance at the next term of said Criminal Court, and in default thereof shall be committed to the jail of the county, and there kept to abide the order of said Criminal Court.

Sec. 7. There shall be elected by the qualified voters of said counties of Galveston and Harris on the second Monday in

November, one thousand eight hundred and sixty-six, a Judge of said Court, who shall hold his office until the regular election on the first Monday in August, in the year one thousand eight hundred and seventy, on which day, and at the general election every four years thereafter, there shall be an election for Judge of said courts, and the Judge shall hold his office until his successor is elected and qualified, and shall receive the same salary as Judges of the District Courts.

Sec. 8. There shall be elected at the same time by the qualified voters of Galveston and Harris counties, a District Attorney for said court, who shall hold his office until the regular election on the first Monday in August, in the year one thousand eight hundred and seventy, on which day, and at the general election every four years thereafter, there shall be an election for District Attorney for said court, and the District Attorney shall hold his office until his successor is elected and qualified, and who, before entering on the duties of his office, shall enter into bond in the same amount as District Attorneys of the District Court, with like conditions, to be approved by the Judge of said court, and shall take and subscribe to the same oath prescribed by the Constitution, which oath and bond shall be deposited with the Comptroller of Public Accounts, and shall not be void on the first recovery, and the duties of the said attorney shall be the same in said court as other District Attorneys in the District Courts, and he shall receive the same salary; Provided, that the salaries of the Judge and District Attorney shall be paid in equal portions by said counties of Harris and Galveston; and all fines, forfeitures and penalties adjudged by and pronounced by said court shall, when collected, be paid into the treasury of the county in which the trial and conviction was had, by the clerk of said court; and when criminals are sentenced by the court to hard labor in the county work-house, or on public or private works, the County Judge where the trial was had shall employ or hire out such criminals for the term of their sentence, for such wages as may seem to him for the best interests of the county, and such wages, fines, forfeitures and penalties shall be paid into the County Treasury for the sole use and benefit of the county to which the same is paid and belongs.

Sec. 9. The Judge and Attorney aforesaid shall only be removed from office according to the mode prescribed by the Constitution and laws in cases of other Judges and District Attorneys.

Sec. 10. There shall be appointed by said Judge a clerk of said court for each of said counties, who shall be removable by said Judge at any time for misconduct, misfeasance or malfeas-

ance in office; and in case of death, resignation or otherwise, by which said office shall become vacant, the Judge shall appoint a clerk to fill the vacancy; and each of the clerks so appointed shall, before entering upon the duties of his office, enter into bond in the sum of five thousand dollars, conditioned as the bonds of the Clerks of the District Courts, to be approved by the Judge of said court, and take and subscribe the oath prescribed by the Constitution and laws, which oath and bond shall be deposited and recorded in the County Clerk's office; the duties of said clerks shall be the same in all matter appertaining to said court as duties of Clerks of the District Court, and he shall have like power, and shall receive as salary, in addition to other fees to which he may be entitled under this act, one thousand dollars a year, to be paid by the County Court of the county.

Sec. 11. The fees of the Attorney and Clerk of said Court shall be the same as allowed by law to clerks and attorneys of the District Court, and shall be collected in like manner, except when by law any portion was paid by the State, the same shall now be paid by the county in which the fee accrued.

Sec. 12. The County Judges of the said counties of Harris and Galveston, when notified by the Governor of the passage of this act, shall give ten days' notice, by proclamation published in some newspaper published in their respective counties, of the time of holding the election provided for in the preceding sections. The said election shall be conducted, and the returns made, as in ordinary cases; but the returns shall be opened on the fifth day after the election, not to include election day, by the Judges of the County Court of said counties of Harris and Galveston, respectively; and the Judge of the County Court of Harris county is authorized to grant certificates of election to the persons receiving the highest number of votes for Judge and Attorney of said Court, and the Judge of the County Court of Galveston county shall make such returns to the Judge of the County Court of Harris county.

Sec. 13. Any person intending to contest the elections may do so according to the general law of elections.

Sec. 14. The County Court of said counties of Harris and Galveston, in the manner and under the same rules and regulations prescribed in Title IV, Chapter 1, of the Code of Criminal Procedure, shall, on the third Monday in October and April of each year, meet at the court-house of their respective counties, and select not less than forty-five, nor more than sixty Grand Jurors, qualified as required by the law above referred to, and shall allot the service of said jurors as follows: They shall divide the

number drawn by three, and cause to be made out three lists, numbered one, two and three. Those jurors in the first list shall serve on the first term of said Court, and the jurors on the second and third lists shall serve at the succeeding second and third terms of said court respectively. Copies of said lists shall be furnished by the Clerk of the County Court to the Clerk of the Court created by this Act, who shall thereupon issue a writ to the sheriff of the county, directing him to summon the said jurors, whose names have been furnished him, to attend at the proper time; and thereupon it shall be the duty of the sheriff to summon the persons aforesaid to attend the said Court, by giving each one a written notice, wherein shall be set forth the term of Court, by the day of the month his attendance is required.

Sec. 15. All laws and regulations of the Code of Criminal Procedure and Penal Code, governing Grand Jurors in general, shall be applicable in this Court.

Sec. 16. The sheriff of said counties of Galveston and Harris shall attend upon the said Court, and receive the same fees to which they are entitled by law, and shall be punishable for misfeasance and malfeasance in office by the laws as now in force.

Sec. 17. After indictment is found, the District Attorney of said Court shall not enter in any case a "nolle prosequi," dismissing said case from the docket, until he has made out a written statement, setting forth the causes therefor, which shall be submitted to the Court for his approval. If the Court approves of the same in writing, then the District Attorney may dismiss the said cause, and the said statement and approval shall be filed with the papers in said cause.

Sec. 18. That this Act take effect and be in force from and after its passage.

Approved October 20, 1866.

CHAPTER XLIII.

An Act granting relief to purchasers of University Lands.

Section 1. Be it enacted by the Legislature of the State of Texas, That all purchasers of University Lands shall have until the first day of January, eighteen hundred and sixty-nine, to make payment of the interest due the University fund for said land.

Sec. 2. That no forfeiture shall accrue by reason of the failure of purchasers to pay the interest due said fund, previous to the time mentioned in the 1st section of this Act; and that this Act take effect and be in force from and after its passage.

Approved October 20th, 1866.

CHAPTER XLIV.

An Act to repeal An Act to suspend the location, survey, and sale of the public lands, except in certain cases. Approved December 14, 1863.

Section 1. Be it enacted by the Legislature of the State of Texas, That an Act to suspend the location, survey and sale of the public lands, except in certain cases, approved December 14, 1863, be and the same is hereby repealed; and that the public lands of the State shall, from and after the passage of this act, be subject to location, survey and sale, the same as though the act hereby repealed had not been passed; Provided, That all surveys made prior to the passage of this Act, and since the first day of October, A. D., 1865, in accordance with the provisions of section 5, of an Act entitled "An Act to amend the second, fifth, eighth and ninth sections of an Act to authorize the sale of the public domain," approved February 1st, 1860, shall be as valid as if the Act above repealed had not been in force, and the same proceedings shall be had thereon as is provided in said section five; and six months after the passage of this Act shall be allowed the person having the survey made to make payment for the land; and that this Act take effect and be in force from and after its passage.

Approved October 20th, 1866.

CHAPTER XLV.

An Act making an appropriation to defray the expenses of removing the obstructions in the channel of Sabine Pass.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of two thousand dollars currency, or so much thereof as may be necessary, be and the same is hereby ap-

propriated to defray the expenses of removing the obstructions in the channel of Sabine Pass, placed there by the authorities of the Confederate States government during the late war.

Sec. 2. That K. D. Keith is hereby constituted and appointed the agent of the State to award the contract for the removal of said obstructions, and said agent shall advertise in at least one newspaper in the city of Galveston, and one in the city of Houston, for a period of thirty days for proposals to do the work contemplated by this Act, and shall award the contract to the lowest bidder, specifying in such contract the work to be performed, and within what time.

Sec. 3. That so soon as such obstructions are removed in accordance with the terms of such contract, said agent shall report the same under oath to the Comptroller of the State, which said report, so made, shall be sufficient to authorize the Comptroller to issue his warrant on the Treasurer for the amount due for such work.

Sec. 4. That this Act take effect and be in force from and after its passage.

Approved, October 20, 1866.

CHAPTER XLVI.

An Act to legalize the election of the Judge and District Attorney of the 12th Judicial District.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Governor of the State of Texas be and he is hereby authorized to commission Stephen Powers, District Judge, and Edward Daugherty, District Attorney of the 12th Judicial District, in like manner as though the returns of the election had been made within the time prescribed by law.

Sec. 2. That this Act take effect and be in force from and after its passage.

Approved October 22, 1866.

CHAPTER XLVII.

An Act to legalize the acts of the County Court of Washington County.

Section 1. Be it enacted by the Legislature of the State of Texas, That the acts and proceedings of the County Court, reg-

ulating matters probate of Washington County, be and the same is hereby declared legal and valid, as fully and amply as if the said Court had held its sessions on the last Monday in each and every month.

Sec. 2. That this Act take effect and be in force from and after the 31st day of December next.

Approved October 24, 1866.

CHAPTER XLVIII.

An Act creating the office of State Librarian.

Section 1. Be it enacted by the Legislature of the State of Texas, That the office of State Librarian is hereby created, and the Governor shall appoint a suitable and competent person to fill said office, who shall hold his office for the period of four years, removable by the Governor for incompetency or neglect of duty.

Sec. 2. The State Librarian, before entering upon the duties of his office, shall enter into a bond, payable to, and to be approved by the Governor, in the sum of five thousand dollars, conditioned for the faithful performance of his duties, and also take the oath of office.

Sec. 3. Said Librarian shall have special charge and supervision of the Library, shall keep it open for the use of the public, and when the Legislature is in session he shall remain in the Library during the sittings of either body. He shall keep a complete catalogue of all the books in the Library, and arrange the same so as to be accessible and convenient for persons to examine; and in everything conform to such rules and regulations as may from time to time be prescribed by the Secretary of State; and the Librarian shall not permit any person whomsoever to take books from the Library until they comply with such rules and regulations. He shall also have charge of the public buildings and grounds for the protection and preservation of the public property, and it shall be his duty to preserve the same from waste and destruction, and the walls of the buildings from being defaced.

Sec. 4. Members of the State Legislature, and all other State officers, who reside in the city of Austin, shall be entitled to take any book or books from the Library for the purpose of

reading the same, by receipting therefor, and books so taken must be returned within two weeks.

Sec. 5. It shall be the duty of the State Librarian to publish the names of all persons who have receipted for books and failed to return the same. The notice shall contain the title of the book or books, the date when taken from the Library, and the residence of the party, and shall be published in some newspaper at Austin six successive weeks, before the meeting of every regular or called session of the Legislature.

Sec. 6. The State Librarian shall, in addition to the duties hereinbefore prescribed, be the keeper of all furniture and other property appertaining to either of the two Houses of the Legislature and the Supreme Court room, and shall receive and receipt for the same, and shall be responsible, on his official bond, for the safekeeping and preservation of such furniture and other property.

Sec. 7. The State Librarian shall be paid an annual salary of one thousand dollars.

Sec. 8. That this Act take effect and be in force from and after its passage.

Approved October 24th, 1866.

CHAPTER XLIX.

An Act authorizing the Court of Police to district the Counties of the State in Commissioners' Districts.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Police Court of each county in this State may, at some regular session thereof, before the next general election, divide their respective counties into four Districts, as nearly equal as possible in territory as may be, by allotting to each District entire voting precincts; and at the next general election, and every four years thereafter, one County Commissioner shall be elected for and reside in each of said Districts, by the qualified voters of the county, who shall hold their office until their successors are elected and qualified.

Sec. 2. That this act shall not be so construed as to compel any Court of Police to divide the county into Commissioners' Districts, as contemplated in the first section of this act.

Sec. 3. That this Act be in force from and after its passage.

Approved October 24, 1866.

CHAPTER L.

An Act to provide for the release of children or other persons, citizens of the State of Texas, who are, have been, or may hereafter be held as prisoners of war by the Indians.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of two thousand five hundred dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of any of the funds now in the Treasury, not otherwise appropriated, to be used by the Governor, under such rules as he may prescribe, in procuring the release of children or other persons, citizens of this State, who are now, have been, or may hereafter be held as prisoners of war by the Indians.

Sec. 2. That this Act take effect and be in force from and after its passage.

Approved October 24th, 1866.

CHAPTER LI.

An Act to authorize the Governor to subscribe for a Treatise on the Civil Jurisdiction of Justices of the Peace and County Courts.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Governor be authorized to subscribe for a sufficient number of copies of a Treatise on the Civil Jurisdiction of Justices of the Peace and County Courts, by John Sayles, Esq., to supply each County Court and each Justice of the Peace with one copy each, and also an additional number of one hundred copies to be placed in the Department of State.

Sec. 2. That it shall be the duty of the Secretary of State to distribute the above named work among the officers entitled to receive the same, taking the receipt of such officer therefor; and said book shall be deemed to belong to the office of said officer to whom it is delivered, and shall at all reasonable hours be subject to the inspection and examination of any citizen of this State; and should any of said officers fail or refuse to deliver said book to his successor in office when demanded by him, the officer so failing or refusing shall be liable to pay such successor the costs and charges that may be necessary to supply the office of such successor with said book.

Sec. 3. That the sum of five thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated, out of any money not otherwise appropriated, to carry out the provisions of this act.

Upon the delivery of said work at such place as shall be designated by the Governor, he shall direct the Comptroller to draw his warrant for the amount due, according to the terms of his contract, and the Treasurer shall pay the same.

Sec. 4. This Act shall take effect from and after its passage.

Approved October 24th, 1866.

CHAPTER LII.

An Act to discharge Firemen from serving on Juries.

Section 1. Be it enacted by the Legislature of the State of Texas, That each and every fireman belonging to any regularly organized Fire Company, who are provided with engines and necessary appliances, doing duty in any incorporated city, who shall have served as an active fireman for a period of seven years after the passage of this act, shall, upon receiving from the Mayor of such city a written certificate that such service has been performed, be exempt from jury duty thereafter in the county where such service was rendered.

Approved October 24th, 1866.

CHAPTER LIII.

An Act to organize the County Courts, and to Define the Powers and Jurisdiction thereof.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Judges of the several County Courts shall, by virtue of their offices, be conservators of the peace, through their respective counties. In addition to the fees of office heretofore allowed by law to the Chief Justices of the several counties, he shall be entitled to demand and receive the sum of three dollars, which shall be taxed in the bill of costs, against the party cast in the suit. In all criminal cases the party convicted shall pay the sum of three dollars, to be taxed

as aforesaid, in the bill of costs, and when collected, shall be paid into the County Treasury. The County Judge may receive a salary to be fixed by the Police Court, not to exceed the sum of two hundred and fifty dollars per annum, to be paid out of the County Treasury.

Sec. 2. The Judges of the County Court shall be liable to removal from office for neglect of duty, incompetency, or malfeasance, on the complaint of any person, by petition, filed in the District Court of the county, and service had as in other cases; the accused party to be allowed all legal defences, and to plead and answer as in other suits.

Sec. 3. In addition to the powers and jurisdiction of the County Courts, as now conferred by law, said courts shall have original, concurrent jurisdiction of all suits against the county which may be allowed by law, and to hear and determine all suits or prosecutions in the name of the State, by presentment, or information, or indictment, for misdemeanors or petty offences, as the same are now, or may hereafter be, defined by law; also, of all suits for the recovery of specific property, or the value thereof; torts, trespasses, or injuries to person or property; also, of all breaches or violations of the revenue laws of the State; of all suits for the recovery of money on any account, bill, bond, note, or other instrument in writing. And the enumeration herein shall not prevent said courts from having and exercising jurisdiction in all matters properly cognizable by them; Provided, however, that the sum sought to be recovered, or the value of the specific article of property, or the amount in controversy be not less than one hundred dollars, and do not exceed five hundred dollars, inclusive of interest; Provided, further, that the County Court shall not have jurisdiction to try any action of trespass, to try title to land, nor of any suit for divorce, or alimony, or actions of slander, or to enforce vendors' liens, or for the foreclosure of mortgages on land.

Sec. 4. For the trial of all suits growing out of matters enumerated in the preceding Section, there shall be begun and holden at the court-houses of the respective counties throughout this State, a term of the County Court, commencing on the first Mondays in February, April, June, August, October and December, of each year, and may remain in session until the business is disposed of.

Sec. 5. All laws regulating proceedings in the District Courts are hereby made applicable to the County Courts, except in so far as the same may be controlled by or in conflict with the provisions of this act.

Sec. 6. The Judges of the County Courts, either in vacation or term time, shall have power to grant, on petition, writs of mandamus, injunction, sequestration, attachment, and other remedial writs, and all other processes necessary to enforce their own jurisdiction, returnable according to law; Provided, the same have respect to matters over which said County Courts may or can have jurisdiction in their respective counties; and Provided, further, that no peremptory mandamus shall be granted without notice; and Provided, further, that no writ of mandamus shall be sued out, before a County Judge, against any head of the departments of the Government.

Sec. 7. Where any Judge of a County Court shall be disqualified by reason of interest in the cause pending, or where he may be connected with any of the parties, by consanguinity or affinity in the third degree, or where he may have been counsel in the cause, the parties may, by consent, appoint some other person to try the case, and his acts and decisions shall be as valid as if done by the Judge; Provided, that where the parties fail to agree upon such person, on or by the close of the term to which the writ is returnable, the suit shall be removed into the District Court of the county, for adjudication therein; and it shall be the duty of the Clerk of the County Court, immediately upon the adjournment of the same, to transmit, without delay, all of the original papers in the cause to the Clerk of the District Court of his county, in a sealed envelope, accompanied by a certificate, under his hand and seal of court, certifying to the disqualification of the County Judge, and to the failure of the parties to agree upon a special Judge, and the case shall stand for trial in the District Court as an original suit; and all costs of proceedings had, under this Section, shall be taxed against the party cast in the suit.

Sec. 8. The Clerks of the several County Courts shall receive such compensation under the provisions of this act as is now received by the Clerks of the District Courts for similar services.

Sec. 9. The Sheriffs of the several counties shall attend each term of the County Court, and shall receive such compensation for their services as is now allowed for similar services in the District Court.

Sec. 10. If any party to a suit in the County Court, under the provisions of this act, shall desire to introduce in evidence any instrument of writing which is of record in the office of the Clerk of the County Court, it shall not be deemed requisite to procure certified copies from the clerk, but the record book which

contains the writing sought to be used, may be introduced, and the required instrument read from its pages: Provided, however, that before any record book can be thus used, the adverse party shall have one day's notice, in writing, before the case is called for trial, of the particular instrument or instruments, in writing, thus sought to be used, which notice shall designate the book and page therein where the same may be found of record; Provided, also, that no instrument of record can thus be used in evidence until the loss of the original is accounted for, in the manner now required by law; Provided, further, that in appealed cases from the County Court to the District Court, the clerk shall make out certified copies of all instruments of record that were read in evidence, under the provisions of this Section, and forward the same, with other papers, to the District Clerk; and this Section shall not be construed to refer to any county records, other than the records of the county wherein the suit is pending.

Sec. 11. Applications for continuance shall be governed by the laws regulating the same in the District Court; Provided, that it shall be within the discretion of the Court to tax the applicant for a continuance, with all costs that may have accrued up to the date of granting the same.

Sec. 12. Witnesses, when summoned to attend Court, shall be allowed a compensation of one dollar and a half for each day's attendance, and ten cents per mile for every mile they may have to travel in going to and returning from the Court-house. And no fine shall be imposed upon a witness, nor shall any attachment issue against his body, until it is shown to the Court, by the affidavit of the party, his agent or attorney, that the mileage and compensation aforesaid have been tendered to the witness.

Sec. 13. Witnesses who have been duly summoned, and who remain in attendance upon the Court, whether they have been called to testify or not, shall, at any time during the term, or upon adjournment of Court, make an affidavit, in writing, before the Clerk thereof, stating the number of days' attendance, and the distance they have been compelled to travel in going to and returning from the Court, which affidavit shall be filed by the Clerk among the papers in the cause. And where a party has advanced the mileage and per diem, (as contemplated in the preceding section,) the witness shall nevertheless be required to make the affidavit as provided for by this section, and all witness fees and mileage shall be taxed in the bill of costs against the party cast in the suit.

Sec. 14. In all civil suits in the County Court, the depositions of witnesses may be taken and returned under the same rules and regulations as are prescribed by law in the District Court.

Sec. 15. At least twenty days before a term of the County Court, there shall be drawn, in the manner now prescribed by law, the names of twelve persons to serve as jurors at said term; and on the first day of the term the names of all the jurors upon the venire shall be called, and thereupon two petit juries, to consist of six men each, shall be organized under the direction of the Court, to be known as panels number one and two, for the trial of civil cases; and the juries so organized shall take the following oath, to be administered by the Clerk or Judge, viz: "You, and each of you, do solemnly swear, that in all cases between parties which shall be committed to you, that you will a true verdict render therein, according to law and evidence, so help you God."

Sec. 16. On the last day of each term of the County Court, under the provisions of this Act, it shall be the duty of the Clerk to make out and deliver to each juror a certificate in writing, signed by him officially, and sealed with the seal of his Court, which shall state the number of days the juror has been in attendance, and the amount due him for such service, at the rate of one dollar and fifty cents per day, which said certificate shall, on presentation to the County Treasurer, be paid by him, and shall be a sufficient voucher in his hands.

Sec. 17. In all civil suits that may hereafter be commenced in the County Courts under the provisions of this Act, a jury fee of three dollars shall be taxed in the bill of costs, and collected as other costs of suit.

Sec. 18. Upon the adjournment of each term of the County Court, convened under this Act, it shall be the duty of the Clerk to pay over to the County Treasurer all monies that he may have received by virtue of the previous section, as well as all fines imposed on jurors, or upon officers of the Court, or other persons, for contempt or for violation of the penal laws of this State, and he shall furnish the Treasurer a written statement, specifying each item of money paid over under this section.

Sec. 19. In all cases, at the request of either party, it shall be the duty of the County Judge, or the person presiding as such, to deliver a written charge to the jury upon such questions of law as may be applicable to the case.

Sec. 20. All laws now in force concerning juries shall be held

to apply to the County Court, except in so far as the same may be controlled or in conflict with the provisions of this Act.

Sec. 21. Appeals to the District Court may be taken in all civil suits from the judgment or decree of the County Court; Provided, the party who intends to appeal shall give notice in open Court, after his motion for a new trial shall have been overruled by the Court, and shall, within ten days after the adjournment thereof, enter into a bond, with two or more good and sufficient sureties, to be approved by the County Clerk, in double the amount of the debt or damages or value of the property adjudged, conditioned for the prosecution of the appeal with effect, and for the performance of the judgment, sentence or decree of the District Court; and no case which may be brought up by appeal from the County Court to the District Court can be appealed thence to the Supreme Court, where the value of the property or the amount in controversy is less than two hundred dollars; provided no Constitutional question is involved; And provided further, that if the District Judge shall be satisfied, upon the trial of an appealed case from the County Court, that the appeal was frivolous, vexatious, or for delay, he shall enter up judgment, affirming the judgment of the Court below, with ten per cent. damages.

Sec. 22. The filing of the appeal bond above specified shall be all that is requisite to entitle the party to have the cause removed into the District Court, after notice in open Court, as aforesaid; and no statement of facts, nor assignment of errors, nor bill of exceptions, shall accompany the record into the District Court, but it shall be the duty of the Clerk, upon the filing of the appeal bond, to transmit in a sealed envelope, directed to the Clerk of the District Court, all the original papers in the case, together with such orders, judgments and decrees as may have been rendered by the County Court during the progress, or upon the final trial of the suit, and he shall transmit the appeal bond, and a taxation of all costs that may have accrued in his Court, with the other papers in the cause, and the cause shall be docketed and stand as an appearance case for trial de novo in the District Court; and the judgment which is rendered therein shall carry with it the costs of both Courts, which shall be taxed upon the execution to be issued out of the District Court.

Sec. 23. No other notice of appeal shall be required than a notice in open court, but upon the filing of the appeal-bond, and the transmission of the papers to the Clerk of the District Court, to be entered of record, both parties shall be considered

in court, when the case shall be called in its order upon the docket.

Sec. 24. In appeals from County Courts to the District Court, no new cause of action shall be set up, or offset pleaded, that was not set up or pleaded in the County Court; but in all other respects proceedings in the County Court shall be governed by the rules regulating proceedings in the District Courts.

Sec. 25. The judgment that the District Court shall render, in cases appealed from the County Court, shall not be certified to the latter for observance, but the Clerk of the District Court shall issue execution as in other cases determined in his court, taxing the cost of both courts in the writ.

Sec. 26. All laws now in force in the District Courts concerning executions, shall be held to apply to the County Courts, where they are not in conflict with the provisions of this act; Provided, that the Clerk shall, within ten days after the adjournment of the Court, (unless otherwise directed by the successful party, his agent or attorney,) tax the cost and issue the writ of fieri facias, or whatever writ shall be necessary to carry into effect the judgment of the Court; and any Clerk that shall fail, neglect or refuse to issue the writ provided for by this section, within the time herein specified, shall be liable to a fine of fifty dollars, to be recovered on motion before the Court, three days' notice being given thereof. The amount so recovered to go into the jury fund of the County.

OF OFFENCES.

Sec. 27. In the trial of all offences under the grade of felony, as are now, or may hereafter be defined by law, the County Courts shall have original and concurrent jurisdiction within the bounds of their respective counties.

Sec. 28. Upon complaint being made before the County Judge, or the Clerk of the County Court, that an offence has been committed which said court has jurisdiction to try, it shall be the duty of the Judge or Clerk to reduce the complaint to writing, and cause the same to be signed and sworn to by the complainant, and it shall be duly attested by the Clerk or Judge, and filed. Said complaint shall state the name of the accused, if his name is known, and the offence with which he is charged shall be stated in plain and intelligible words, and it must appear that the offence was committed in the county, and the complaint must show from the date of the offence stated therein, that the offence is not barred by limitation.

Sec. 29. Whenever the requirements of the preceding section have been complied with, the Clerk of the County Court, or the Judge thereof, shall issue a warrant for the arrest of the accused. Said warrant is to be in compliance with Article 216, Part III, Title II, Chapter II, of the Code of Criminal Procedure, and the warrant shall be executed in the manner specified in said chapter; Provided, that nothing herein shall be so construed as to prevent the defendant giving bail or entering into recognizance in open court.

Sec. 30. It shall be the duty of the County Attorney, upon the filing of said complaint, to prepare an information in writing, which shall be in compliance with Article 403, Part III, Title IV, Chapter III, of the Code of Criminal Procedure.

Sec. 31. The complaint specified in section thirty of this act may be made before any Justice of the Peace or Notary Public, or before a (the) County Attorney, who for that purpose is authorized to administer oaths. But the complaint shall in every instance be filed with the information.

Sec. 32. All writs and criminal process issued out of the County Court shall be made returnable on or before the first day of the succeeding term, and the Criminal Docket shall be taken up on the second day thereof; Provided, however, if the District Court shall conflict with any term of the County Court, then the County Court shall hold its session on the first Monday after the close of the said term of the District Court.

Sec. 33. The venire of twelve men, which has been drawn under the provisions of section fifteen of this Act, shall be empaneled, and sworn as a jury for the trial of criminal cases; and if the jury, by reason of challenges or otherwise, be reduced below that number, the Court shall order the Sheriff to supply their places by summoning, immediately, the requisite number of suitable persons; but the regular venire shall be called in every case; Provided, that neither the State nor defendant shall have more than three peremptory challenges; and if more than one defendant is joined in the same trial, each shall have two peremptory challenges.

Sec. 34. In all cases where the fine is over ten dollars, or the imprisonment assessed by the jury exceeds forty-eight hours, the defendant shall have the right of appeal to the District Court, which shall be governed by the provisions of Title VII, Part III, of the Code of Criminal Procedure, where the same are not in conflict with the provisions of this Act.

Sec. 35. The State shall have the right to appeal to the District Court in the cases specified in Title VII, Part III of the

Code of Criminal Procedure; and in all cases of appeal by either the State or the defendant, the original papers in the cause, together with a transcript of the record of all the judgments, orders or decrees which may have been rendered by the County Court, shall be forwarded to the District Court, as in civil suits. There shall, also, be forwarded, a statement of facts, and a bill of exceptions to be made out, signed and sealed, in the manner now provided by law for appeals from the District Court to the Supreme Court; and the District Judge shall consider the case so appealed to his Court, upon the record thus sent up, when the same shall be regularly reached on his docket, and he shall enter up such judgment or decree as ought to have been rendered in the Court below, which judgment shall be executed by process issuing out of the District Court. The costs of both Courts to be taxed in the execution to be issued by the Clerk of the District Court.

Sec. 36. Upon the trial of criminal cases in the County Court, where it appears, from the evidence, that the prosecution was frivolous, malicious, or without just cause, it shall be the duty of the County Judge to render judgment against the party making the complaint, for all cost; and a jury fee of five dollars shall be taxed against the defendant, if convicted, or against the prosecutor, if he is condemned, for cost.

Sec. 37. The provisions of the Penal Code, and the Code of Criminal Procedure of the State of Texas, and all amendments of the same that may hereafter be made, shall be held to apply to the proceedings in the County Court, where the same shall not be in conflict with the provisions of this Act.

Sec. 38. There shall be appointed by the Police Court of the county, an Attorney for each organized county in the State, who shall hold his office for four years, and who shall give the bonds now required by law to be given by the District Attorney, to be approved by the County Judge of the county, and deposited in the office of the Comptroller of Public Accounts; and the County Attorney shall, before entering upon the discharge of his duties, be required to take the oath of office. And it shall be the duty of the County Attorney to represent the county in all cases wherein it may be a party, and to represent the State in all cases wherein she may be a party in the County Court; and he shall, also, in the absence of the District Attorney, represent the State in all proceedings before committing Magistrates; and he shall not act as counsel or attorney for any party to an action in the County Court, where the interest of the party is adverse to that of the State, or of the county; and the duties of the County

Attorney, shall be similar to those prescribed by law for the District Attorney, and he shall receive such fees as the law now provides in like cases for the District Attorney; and it shall be the duty of the County Attorney to attend the sessions of the Police Court, and to perform such duties as it may prescribe, not inconsistent with this section; Provided, that any Attorney so appointed, may be removed from office for incompetency, neglect of duty or malfeasance, on the complaint of any person, by petition filed in the Police Court, and the accused party shall be allowed all legal defence.

Sec. 39. In addition to his fees of office, the County Attorney shall receive such sum as the Police Court may allow, not to exceed two hundred and fifty dollars per annum.

Sec. 40. That this act take effect, and be in force from and after the 31st day of December, A. D. 1866.

Approved October 25th, 1866.

CHAPTER LIV.

An Act to amend an act to prohibit the sale of intoxicating liquors in the neighborhood of the Soule University, approved February 9th, 1860.

Section 1. Be it enacted by the Legislature of the State of Texas. That the above entitled act be, and the same is hereby amended so as to read as follows: That it shall not be lawful to sell give away, barter, or in any manner dispose of any intoxicating or spirituous liquors, within the distance of three miles of the Soule University, in the town of Chappel Hill, in Washington county, unless sold by a regular licensed apothecary, solely for medicinal or mechanical purposes; and that any evasion of the provisions of this act shall be held a violation of the same; and any and every person violating the provisions of this act shall be guilty of an offence, and on conviction thereof, before a Justice of the Peace, or by the County Court of said county of Washington, shall be fined in a sum not less than twenty-five dollars, nor more than one hundred dollars, for each offence, for the first conviction, and for a second offence not less than fifty, nor more than one hundred dollars, and may be condemned to hard labor upon the public works of the county or State, for not less than thirty and not more than ninety days.

Sec. 2. That any person who shall sell, give, or deliver any

intoxicating or spirituous liquors to any student or minor, except upon the written order of the parent, guardian or teacher, shall be held guilty of a violation of the provisions of this act, and on conviction thereof shall be fined, in accordance with the provisions of the first section of this act.

Sec. 3. That it shall be the duty of the County Attorney of the county of Washington, to attend to all prosecutions for the violation of the provisions of this act; Provided, that any person may prosecute any one violating the provisions of the same.

Sec. 4. That all fines and forfeitures under this act shall be paid into the County Treasury of said county.

Sec. 5. That this act take effect and be in force from and after its passage.

Passed October 22, 1866.

CHAPTER LV.

An Act to prohibit the sale of spirituous liquors within three miles of Woodland College.

Section 1. Be it enacted by the Legislature of the State of Texas, That it shall not be lawful for any person or persons to sell, barter, or exchange spirituous liquors within three miles of Woodland College, in the county of Freestone, State of Texas, except for medicinal purposes, and any person so offending, shall, on conviction thereof, before the proper authority, for each separate offence, be fined in a sum of not less than fifty, nor more than two hundred and fifty dollars.

Passed October 25, 1866.

CHAPTER LVI.

An Act to prohibit the sale of spirituous or other intoxicating liquors within four miles of Bosque College and Seminary.

Section 1. Be it enacted by the Legislature of the State of Texas, That it shall not be lawful for any person, either with or without a license, to sell, give away, or in any manner dispose of any spirituous or other intoxicating liquors, within four miles of Bosque College and Seminary, except for medical or sacramental purposes. And any person violating the provisions

of this Act, shall, upon conviction, before any court of competent jurisdiction, be fined in any sum not exceeding two hundred dollars; and this Act shall be of force from its passage.

Passed October 26, 1866.

CHAPTER LVII.

An Act to regulate the Estraying of Stock in the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That hereafter, when any stray horse, mare, colt, mule, jack, jennet or work ox, shall be found on the plantation or land of any citizen of this State, such citizen may forthwith advertise the same, describing the animal's color, and specifying the marks and brands, if any; also, giving the age and flesh marks of every kind, at three public places in the county in which such citizen resides; one of which notices shall be at the Court-house door, for at least twenty days; and shall also deliver to the County Clerk of said county, a copy of said notice, which shall be, by him securely posted up in his office; after the expiration of which time, if no owner apply, it shall be the duty of the taker up of said animal or animals, to appear before some Justice of the Peace in said county, and estray the same; Provided, the animal or animals, so taken up, shall not be used for any purpose whatsoever, until the party shall have given bond as required by this Act.

Sec. 2. Any citizen entitled to estray any animal, as provided in the first section of this Act, shall make oath that the animal which he proposes to estray, was taken up on his or her plantation, or on his or her lands adjoining the same; that the marks and brands thereof have not been altered or disfigured since the same was taken up; that notice has been given, as the law requires, and that no owner has been found; which affidavit shall be sworn to and subscribed by the citizen estraying, and attested by the Justice, and filed; whereupon, the said Justice shall cause to appear before him, by summons or otherwise, two disinterested householders of his county, who are in no way related to the person estraying, commanding them, after being sworn, to value and appraise the same, and certify the valuation, together with a particular description of the animal, including stature, marks, brands, color and age, under oath, which shall be attested by said Justice, who shall thereupon require of the taker

up a bond, with two or more solvent securities, in double the value of such animal or animals, payable to the County Judge of the county and his successors in office, conditioned that the taker up shall comply with the provisions of this Act, which bond, affidavit and appraisement shall be transmitted by such Justice to the County Clerk of said county, within twenty days thereafter, for which said Justice shall receive the same fees that are allowed for similar services by law.

Sec. 3. At any time, within twelve months, and before the sale of any estrays, it shall be lawful for the owner of any stray animal, enumerated in the first section of this Act, to prove his or her property, by oath or affidavit of any respectable witness, in a certificate containing a particular description of the animal claimed, including the kind, marks, brands, stature, color and age of the same, which certificate may be sworn to and subscribed before any officer authorized by law to administer oaths, in the county where such animal may have been estrayed, which certificate shall be delivered to the taker up, and by him filed in the office of the County Clerk of such county, and on the delivery of such certificate, and the payment of all costs incurred, in posting such stray or estrays to the taker up, shall be entitled to demand and receive such animal or animals; Provided, that when the respectability of the witness aforesaid is not known to the officer administering the oath, the party claiming shall produce satisfactory evidence of the respectability of such witness, certified to by a Notary Public, County Clerk or County Judge of the county in which the witness resides; And provided further, that if the owner of any animal or animals which have been estrayed in accordance with the provisions of this Act, be a resident citizen of the county in which such animal or animals have been estrayed, and shall have had his mark and brand recorded in said county; and the animals so estrayed shall be in the mark and brand of the owner at the time they were taken up; then, and in that case, the taker up shall not be entitled to receive any compensation for expense incurred in estraying said animal or animals.

Sec. 4. If any stray or estrays, of any kind, shall be found running at large, and not estrayed, and the owner of the same be unknown, it is hereby made the duty of the County Commissioners, or any of them, to return the same, with a full description thereof, to the County Clerk of their respective counties, who shall advertise the same in the manner specified in this Act; and if such animal or animals shall not be proven away by the owner, within the time allowed by the provisions of this Act, the

Commissioner returning the same, or his successor in office, shall proceed to sell such animal or animals, and report the sale thereof to the Clerk of the County Court of their respective counties; and after paying the clerk's fees, and retaining twenty per cent. of the proceeds of such sale, he shall pay the remaining sum into the County Treasury.

Sec. 5. It shall be the duty of the County Clerk to record the papers transmitted to him, as provided in the second section of this Act, in a separate book to be kept by him for that purpose, for which he shall be entitled to demand and receive the same fees that are allowed by law for similar services, to be paid, in all cases, by the taker up; provided, that when two or more animals are taken up at the same time, by the same person, they shall be included in the same entry, and the Justice of the Peace and Clerk shall receive no more fees than for one such animal; and each County Clerk shall cause a statement of the appraisement, and a description of the animal so estrayed, to be advertised at least three times in some newspaper published in the county where such animal or animals were estrayed, if there be one; and if there be no newspaper published in the county, then the Clerk shall cause the same to be advertised in the newspaper nearest to the county, and also by posting up notices at three public places in the county, one of which shall be at the Court-house door thereof; and the printer of such notice shall furnish the said Clerk with a copy of the paper containing said notice; and it shall be the duty of the said Clerk to file and preserve the same in his office for the inspection of all persons who may be interested; and for such publication the printer shall be entitled to receive from the party estraying the same the sum of two dollars, to be collected by the County Clerk, and paid to the order of the printer.

Sec. 6. The property of every stray horse, mare, colt, mule, jack, jennet, or work ox, taken up as aforesaid, and not proven away within twelve months after such appraisement, shall be deemed vested in the county wherein such stray or estrays may have been posted, and the taker up shall immediately thereafter proceed to sell the same, for cash, to the highest bidder, at the Court-house door of the county, after giving notice of the same, as required in the case of sheriffs' or constables' sales; and within ten days after such sales, he shall, after deducting the expenses incurred in estraying said animals, pay into the county treasury seventy-five per cent. of the proceeds of the same, and retain the other twenty-five per cent. for his own use and benefit; provided, that a return of each and every sale of estrays shall be made to

and filed by the County Clerk of the county, and sworn to by the taker up; Provided further, That all sales of estrays, horses, mares, colts, mules, jacks, jennets, or work oxen, shall be made on the first Monday in the month, and between the hours of one and three o'clock p. m. of said day.

Sec. 7. Any citizen taking up any stray hogs, sheep, goats, or cattle other than work oxen, shall proceed in the same manner as is required in the case of horses, &c., except advertising in a newspaper; and any person estraying the same, at the expiration of six months from the day of appraisement, shall proceed to give notice as in the case of sheriffs' or constables' sales, and sell such estrays where they were taken up; Provided, There be not less than three adult bidders in attendance at said sale, besides the family of the taker up; Provided, also, That no animal of the kind enumerated in this section, except work oxen, shall be subject to be estrayed unless the same shall have been known to the taker up as being estrays for at least twelve months previous to the time of estraying the same.

Sec. 8. That in making the returns of sales under this Act, when the sale has been made at the residence of the taker up, or other place than at the Court-house door of the county, the taker up shall, in all cases, give the names of at least three of the bidders who were present at said sale, who are not members of his family.

Sec. 9. If any person or persons estraying any animal or animals enumerated in this Act, shall send or take away the same out of the county in which the same was taken up and estrayed, or swap, sell, or otherwise dispose of the same, he, she, or they, so offending, shall be liable upon his, her, or their bond, in an action for damages in favor of the party injured; Provided, That the taker up of any stray may use the same in moderation; And provided further, That should the same be abused, the taker up shall be liable upon his bond in damages for such abuse, and may be sued therefor by the owner, or by the County Judge, for the use of the county.

Sec. 10. Whenever any stray animal shall be found dead, or shall escape, the taker up shall, without delay, make report thereof to the County Clerk of the county, under oath, which report shall be recorded by said Clerk, in a book to be kept by him for that purpose; and any person who shall be found guilty of making a false report shall be liable to an indictment, and punished therefor as in other cases of perjury, and shall, moreover, be liable, on his or her bond, for the value of the animal or animals estrayed.

Sec. 11. All monies arising from the sales of estrays, under the provisions of this Act, shall be paid to the County Treasurer, and shall be by him applied exclusively to the jury fund of the county; Provided, That should there be a surplus of said jury fund in the treasury, the County Court may, at any time, order that such surplus be transferred to the county fund, to be used as other funds belonging to the county.

Sec. 12. If any person having in charge any estray or estrays shall refuse to deliver the same to the owner thereof, on his complying with the requisitions of this Act, such owner shall be entitled to his action therefor, with damages.

Sec. 13. At any time within twelve months after the sale of any estrays made under the provisions of this Act, the owner of such estray or estrays may apply to the County Treasurer of the county in which such estray has been sold, and upon proof of such ownership, shall be entitled to receive from said Treasurer the amount deposited on account of such sale, after paying such costs as may be necessary to establish his right thereto.

Sec. 14. That this Act shall take effect and be in force from and after its passage; and all laws conflicting with the provisions of this Act are hereby repealed.

Approved October 26, 1866.

CHAPTER LVIII.

An Act to repeal certain Acts therein named.

Section 1. Be it enacted by the Legislature of the State of Texas, That the following named Acts be, and the same are hereby repealed, to-wit:

“An Act to provide for the disposition of runaway slaves,” approved April 8th, 1861.

“An Act to define the offence of inciting insurrection, or insubordination of slaves, in certain cases, and to prescribe the punishment therefor,” approved March 5th, 1863.

“An Act to provide against the hostile invasion of the State of Texas by persons of color,” approved March 6th, 1863.

“An Act to prevent slaves from exercising pretended ownership over property, approved March 26th, 1864; and

“An Act prohibiting owners or employers of slaves from placing them in charge of farms or stock ranches, detached or removed

from the house or place of residence of the owner or employer," approved January 11th, 1862.

Sec. 2. That this Act take effect and be in force from and after its passage.

Approved October 26th 1866.

CHAPTER LIX.

An Act to amend an Act entitled an Act to establish a Code of Criminal Procedure for the State of Texas, approved August 26th, 1856, and to repeal certain portions thereof.

Section 1. Be it enacted by the Legislature of the State of Texas, That Article 143 of the above named Code, be so amended as to hereafter read as follows:

Article 143. The service of the writ may be made by any person capable of giving testimony in Court.

And the third clause of Article 644, shall hereafter read as follows:

3rd. Persons of color shall not testify, except where the prosecution is against a person who is a person of color; or where the offence is charged to have been committed against the person or property of a person of color.

Sec. 2. That Article 140, Article 663, and Titles VI. and VII. of part IV; and also Articles 978 a, and 978 b, be and the same are hereby repealed.

Sec. 3. That this Act shall take effect and be in force from and after its passage.

Approved October 26th, 1866.

CHAPTER LX.

An Act to repeal an Act entitled an Act authorizing judgments to be rendered in certain cases, requiring property levied upon by execution, or sale under deeds of trust or mortgage, to bring nine-tenths of its appraised value, approved March 4th, 1863.

Section 1. Be it enacted by the Legislature of the State of Texas, That an Act entitled an Act authorizing judgments to

be rendered in certain cases, requiring property levied upon by execution, or sale under deeds of trust or mortgage, to bring nine-tenths of its appraised value, approved March 4th, 1863, be and the same is hereby repealed; and that this Act take effect and be in force from and after its passage.

Approved October 26th, 1866.

CHAPTER LXI.

An Act to amend Article 382, Title XI, Chapter 3 of the Penal Code.

Section 1. Be it enacted by the Legislature of the State of Texas, That Article 382, Title XI, Chapter 3 of the Penal Code, shall hereafter read as follows:

"Article 382. If any one or more persons shall, in any public place, by loud and vociferous talking, swearing, or rudely displaying any pistol, or other deadly weapon, so as to disturb the inhabitants of the place, in the prosecution of their lawful business, any person engaged in such disturbance shall be fined in any sum not exceeding fifty dollars."

Sec. 2 That this Act take effect and be in force from and after the first day of October, 1866.

Approved October 26, 1866.

CHAPTER LXII.

An Act to amend an act to organize Justices' Courts, passed March 20th, 1848.

Section 1. Be it enacted by the Legislature of the State of Texas, That Section 64 of an act to organize Justices' Courts, passed March 20, 1848, be amended so as to read as follows:

Sec. 64. That each Justice of the Peace shall hold a term of his Court once in each month, and may transact such business out of said term as is authorized by law; and it shall be the duty of the Judges of the County Court, of each county, to fix the days of the month upon which Justices of the Peace shall

hold their courts for the trial of civil causes: Provided, That the days for holding said courts shall be so fixed as not to conflict with each other.

Approved October 27, 1866.

CHAPTER LXIII.

An Act establishing a General Apprentice Law, and defining the obligations of Master and Mistress and Apprentice.

Section 1. Be it enacted by the Legislature of the State of Texas, That it shall be lawful for any minor to be bound as an apprentice, by his or her father, mother or guardian, with their consent, entered of record in the office of the Clerk of the county of which the minor is a resident, or without such consent, if the minor, being fourteen years of age, agree in open Court to be so apprenticed; Provided, There be no opposition thereto by the father or mother of said minor.

Sec. 2. It shall be the duty of all Sheriffs, Justices of the Peace, and other civil officers of the several counties of the State, to report to the Judge of the County Court of their respective counties, at any time, all indigent or vagrant minors, within their respective counties or precincts, and, also, all minors whose parent or parents have not the means, or who refuse to support said minors; and thereupon, it shall be the duty of the County Judge to apprentice said minor to some suitable and competent person, on such terms as the Court may direct, having particular care to the interest of said minor.

Sec. 3. All indentures of apprenticeship shall be approved by the County Judge, and entered of record in the office of the County Clerk of the county of which the minor apprenticed is a resident; and the County Judge shall have exclusive jurisdiction of all causes of action growing out of the relation of master or mistress and apprentice.

Sec. 4. The term of apprenticeship of every minor, under this Act, shall be until the minor attains the age of twenty-one years, unless sooner married; Provided, that in all cases where the age of the minor cannot be ascertained by record, or other satisfactory testimony, the Judge of the County Court shall fix the same.

Sec. 5. It shall be the duty of the County Judge, upon making the order of apprenticeship, to require the master or mis-

truss to give bond, in such sum as he may direct, with one or more good and sufficient sureties, payable to the County Judge and his successors in office, conditioned that he or she shall furnish said minor sufficient food and clothing—to treat said minor humanely—to teach or cause to be taught him or her some specified trade or occupation—to furnish medical attendance in case of sickness, and for the general and faithful compliance with the terms stipulated in the indentures as to education, &c.; and, in default of the master or mistress to comply with the stipulations of his or her bond, suit may be instituted by the father, mother or guardian of the minor, or by the County Judge, upon the same, for all damages sustained; and such damages, when recovered, shall be applied to the use and benefit of the apprentice, under such regulations as may be prescribed by the County Judge.

Sec. 6. That in the management and control of an apprentice, the master or mistress shall have power to inflict such moderate corporeal chastisement as may be necessary and proper.

Sec. 7. That if any apprentice shall run away from, or leave the employ of his master or mistress, without permission, said master or mistress may pursue and recapture said apprentice, and bring him before any Justice of the Peace of the county, whose duty it shall be to remand said apprentice to the service of his master or mistress; and, in the event of a refusal on the part of said apprentice to return, then the Justice shall commit said apprentice to the county jail, on failure to give bond for appearance, at the next term of the County Court; and it shall be the duty of the County Judge, at the next regular term thereafter, to investigate said cause, and, if the Court shall be of opinion that said apprentice left the employment of his master or mistress without good and sufficient cause, to order him to receive such punishment as may be provided by the vagrant laws then in force, until said apprentice agrees to return to his employment; Provided, That the Court may grant continuances, as in other cases; And further provided, That if the Court shall be of opinion that said apprentice has good cause to quit said employment, the Court shall discharge said apprentice from his indentures of apprenticeship.

Sec. 8. That in case any master or mistress of any apprentice may desire, he or she shall have the privilege to summon his or her apprentice to appear before the County Court of the county in which the parties may reside, and, on good and sufficient cause being shown to said Court, and on proof that said apprentice will not be injured thereby, shall be released from all liability, as master or mistress of such apprentice, and his bond canceled.

Sec. 9. It shall not be lawful for any apprentice, bound under the provisions of this Act, to reside out of the county, in the office of which, the terms of indenture are required to be recorded, without the written order of the County Judge, entered of record in the Clerk's office of the County Court of such county; when such leave is obtained, a certified copy of the order, authorizing the same, shall be filed for record in the office of the Clerk of the County Court of the county wherein the residence is to be; and the County Judge of that county shall have plenary power to hear and adjudicate all causes of action between the said master or mistress and apprentice, as fully as the County Judge of the County wherein the indentures of apprenticeship were originally recorded.

Sec. 10. Any apprentice who shall be removed out of the bounds of the county having original jurisdiction of the same, by his master or mistress, or with his knowledge or consent, without leave first obtained from the County Judge, and shall be retained thereout for a longer period than thirty days, shall not be held liable for a further compliance with his indentures, and can only be retained by the master or mistress at the pleasure of said apprentice.

Sec. 11. Any person who shall, knowingly and willfully, entice away an apprentice, or conceal or harbor a deserting apprentice, shall, upon conviction thereof, pay to the master or mistress, five dollars (\$5 00) per day, for each day said apprentice is so absent, or concealed from his master or mistress, and shall likewise be held liable for all damages proved to have been sustained by the master or mistress, on account of such willful concealing, harboring, or enticing away, to be recovered by suit, before any Court having jurisdiction of the same.

Sec. 12. The County Judge shall have power to hear and determine and grant all orders and decrees, as herein provided, as well in vacation as in term time; Provided, That, in all applications for apprenticeship, ten days' public notice, as in case of guardianship, shall be given, and no minor shall be apprenticed except at a regular term of said Court.

Approved October 27, 1866.

CHAPTER LXIV.

An Act to give a lien on the crop and stock, for advances to assist in making the crop.

Section 1. Be it enacted by the Legislature of the State of Texas, That hereafter, whenever advances in horses, mules, oxen or necessary provisions, farming tools and implements, or money to purchase the same, shall be made by any person or persons, to any other person in this State, and the said advance shall be obtained by the latter, to enable him or her to make a crop for the year then next ensuing, and it shall be declared in a written obligation for the same, given by the person to whom such advance is made, that the same was obtained by him or her in good faith, for the purpose of making a crop, and that without such advance it would not be in the power of said person to procure the necessary team, provisions and farming implements to make a crop, the advance so made or the amount thereof, shall be a lien on the crop that year, and the stock furnished or bought with the money so advanced; and such lien shall have preference of all other liens, except that for the rent of the land on which the said crop may be made.

Sec. 2. That any person taking a lien on the crop, for advances, as set forth in the first section, shall have the same recorded in the office of the County Court of the county in which the person to whom the advance is made, resides.

Sec. 3. That this Act shall take effect and be in force from and after its passage.

Approved October 27th, 1866.

CHAPTER LXV.

An Act making an additional appropriation to defray the contingent expenses of the Eleventh Legislature.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of Ten Thousand Dollars, or so much thereof as may be required, be, and the same is hereby appropriated, out of any unappropriated funds in the Treasury, to defray the contingent expenses of the Eleventh Legislature; And that the certificates of the Secretary of the Senate, and Chief Clerk of the House of Representatives, to the correctness

of, and the approval of the Chairman of Contingent Expenses Committees of the Senate and House, to the respective accounts against the two Houses, shall be sufficient authority for the Comptroller to draw his warrant upon the Treasurer for the several amounts charged against said fund.

Sec. 2. That this Act take effect and be in force from and after its passage.

Approved October 27th, 1866.

CHAPTER LXVI.

An Act to authorize the Governor to appoint a person to examine the books and papers of the State Penitentiary, and report thereon, and for other purposes.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Governor be, and he is hereby authorized and required to appoint a suitable person to carefully examine the books, papers and business of the Penitentiary, and report thereon at as early a date as practicable, to this Legislature, or, should it have adjourned, then to the Governor, the investigation and report to be made under the supervision of the Financial Agent.

Sec. 2. The Financial Agent be, and he is hereby empowered and required to send for such persons and such papers, and take such depositions of persons as are necessary to carry into full and speedy effect the object expressed in section first of this Act.

Sec. 3. The Financial Agent is required to pay the person appointed by the Governor to make the investigation, at the rate of five dollars, in currency, per day, and to use so much of the funds in his hands, arising from the proceeds of sales of the Penitentiary goods, as may be necessary to pay the same; Provided, if the necessary funds for the payment of the person appointed by the Governor, for the investigation above directed, be not in the hands of the Financial Agent when said investigation shall be completed, then, in that case, it shall be the duty of the Financial Agent to make a statement of the amount due such person, which statement, on its presentation, shall be deemed sufficient authority for the payment of said amount by the State Treasurer to the party presenting the same.

Sec. 4. That upon the report being made, the Governor shall take such steps to protect the interests of the State as he

may deem necessary, and the Governor is hereby authorized and required to direct suit to be brought against any agent, or person in default, should he deem the interests of the State require the same.

Sec. 5. This Act to be in force from and after its passage.

Approved October 27, 1866.

CHAPTER LXVII.

An Act to authorize the Police Courts of the several counties of the State to issue and sell County Bonds for the purpose of erecting Court Houses and Jails, and levy a special tax to meet the same.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Police Courts of the several counties of this State may issue and sell their bonds for the purpose of erecting or completing of Court Houses and Jails for the several counties; and the Police Courts of the several counties are hereby authorized to levy a special tax to meet and pay off the principal and interest accruing upon said bonds, as it shall fall due; provided the special tax hereby authorized to be levied shall not exceed fifty per cent. upon the assessment made under the law for State purposes.

Sec. 2. That this Act shall be in force from and after its passage.

Approved October 27, 1866.

CHAPTER LXVIII.

An Act to authorize the Police Court of Comal County to levy and collect a Special Tax.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Police Court of Comal County be, and is hereby authorized to levy and collect, annually, a special ad valorem tax upon all property in said county, real, personal and mixed, not exceeding twenty cents on each one hundred dollars' value, and a special poll tax of twenty-five cents, for and during the term of six years from and after the first day of January, A. D.

1867, for the purpose of paying the debt incurred by said county in the erection of a court-house.

Sec. 2. That this Act take effect and be in force from and after its passage.

Approved October 27, 1866.

CHAPTER LXIX.

An Act to Confirm the Grants of Land to the Washington County Rail Road Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and directed to issue certificates of six hundred and forty acres each, at the rate of sixteen sections per mile, for the remainder of the twenty-five miles of said road constructed and completed in conformity with the provisions of the general Rail Road law, for which certificates have not been heretofore issued, and for which surveys have not been made, which certificates shall be located in alternate sections, as provided in the general Rail Road law.

Sec. 2. That the Commissioner of the General Land Office be, and he is hereby authorized to issue patents to said company upon the certificates heretofore issued to said company, and upon the surveys heretofore made under and by virtue of the certificate of said Commissioner; Provided, that said Company shall receive only sixteen sections per mile, upon the twenty-five miles of said Rail Road completed by said company, under the provisions of the general Rail Road law.

Sec. 3. That this Act take effect and be in force from and after its passage.

Approved October 27, 1866.

CHAPTER LXX.

An Act to amend the Third, Fourth, Fifth, and Ninth Sections of "An Act to authorize the County Courts of this State to grant a License for the retail of spirituous, vinous, and other intoxicating Liquors. in quantities less than a quart. and

imposing a License Tax for such privileges, approved February 2d, 1856."

Section 1. Be it enacted by the Legislature of the State of Texas, That the third Section of said Act be amended so that the same shall read as follows, to wit: Sec. 3. Before the Clerk of the County Court shall issue to the applicant a license to retail spirituous, vinous, and other liquors, in quantities less than a quart, the applicant shall make and deliver to the County Treasurer a bond, payable to the County Judge, with two or more good and sufficient sureties, to be approved by said Treasurer, in the sum of one thousand dollars, conditioned that the applicant, or those acting or attending to said business for him, shall keep an orderly house, or place, for the retail of spirituous liquors, and that he will not permit a sale of spirituous liquors to be made at his house, or place, to minors, under the age of sixteen years, or to students, of any institution of learning, or to apprentices, without the written permission of their masters, and that he will not permit any games, of any description, to be played in the house, or place, so occupied, nor in any room, adjoining or near the same, under his control, prohibited by law, and that he will make no sales of spirituous liquors on Sunday, but on that day shall close up his house, or place, for the retail of spirituous liquors, which bond, after being approved by the Treasurer, shall be filed in his office, as an obligation, belonging to the county.

That the Fourth Section of said Act be amended, so that the same shall hereafter read as follows:

Sec. 4. When the party or firm shall have executed the bond, with security, as prescribed in the preceding Section of this Act, shall have paid into the County Treasury of the county a license tax, at the rate of three hundred dollars for one year, for the time the applicant shall have applied for the license, and shall produce to the Clerk of the County Court the County Treasurer's receipt for the amount of money paid by him, then the Clerk shall issue to him a license to sell at retail any spirituous, vinous, or other liquors, in quantities of less than a quart, at the house, or place, and for the time specified in the application. That the fifth section of said act shall hereafter read as follows, to-wit:

Sec. 5. If any person or firm shall sell, or be in any wise concerned in selling spiritous, vinous, or other intoxicating liquors, in quantities less than one quart, without first having obtained a license therefor in the manner prescribed in this act,

the person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof, before any District Court or County Court, shall be fined in any sum not less than one hundred nor more than two hundred dollars, and be imprisoned in the County jail for the period of thirty days, at the discretion of the Court so convicting, any law to the contrary notwithstanding. That the ninth section of said act be amended so that the same may hereafter read as follows.

Sec. 9. If any person or firm shall violate any of the conditions of the bond required of him, or them, by the provisions of this act, it shall be the duty of the County Treasurer to place the bond in the hands of the County Attorney, and suit shall forthwith be instituted thereupon in the name of the County Judge, for the use and benefit of the jury fund thereof, and the full amount of the penalty shall be recovered from the principals and sureties, upon proof of a breach of any of the conditions of the bond.

Approved October 27, 1866.

CHAPTER LXXI.

An Act concerning the Five per cent. United States Indemnity Bonds, belonging to the State, and used by the late Military Board of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Governor be, and he is hereby authorized to take such steps as he may deem proper to recover possession of any of the 5 per cent. United States Indemnity Bonds, used by the late Military Board of the State; and he is hereby given full authority, on the part of the State of Texas, to negotiate said Bonds, to recover possession of them, or any part of them, and to compromise with the parties holding said Bonds, or those through whose hands said Bonds have passed, as he may, in his discretion, deem for the best interests of the State.

Sec. 2. That whatever of Bonds, or money, may be recovered, or received, by the Governor, under the authority of this Act, shall be by him placed in the Treasury of the State, and his action in the premises reported to the next session of the Legislature.

Sec. 3. That this Act take effect and be in force from and after its passage.

Approved October 30, 1866.

CHAPTER LXXII.

An Act to authorize the Supreme Court to make rules and regulations respecting the admission of Attorneys and Counsellors at Law.

Section 1. Be it enacted by the Legislature of the State of Texas, That from and after the passage of this Act, the Judges of the Supreme Court, or a majority of them, shall have power to make such rules and regulations as they may think just and proper, for the admission of Attorneys and Counsellors at Law, to practice as such in that Court; and that all laws and parts of laws in conflict with the provisions of this Act, be and they are hereby repealed.

Approved October 30th, 1866.

CHAPTER LXXIII.

An Act to amend an Act entitled an Act to adopt and establish a Penal Code for the State of Texas, approved August 28th, 1856, and to repeal certain portions thereof.

Section 1. Be it enacted by the Legislature of the State of Texas, That Articles 32, 34, 35, 39 and 408, of the above recited Act be so amended as to hereafter read as follows, to-wit:

Article 32. All persons, whether inhabitants of this State or of the United States, or aliens, are amenable to punishment for offences which are defined and made punishable under the provisions of part II. of this Code. The exceptions to the general rule here laid down, are given in the subsequent article of this Code.

Article 34. All persons who have less than one-eighth African blood come within the meaning of the term "white persons," and all persons who have one-eighth, or a greater portion of African blood come within the meaning of the term "persons of color."

Article 35. No act done within the uninhabited portion of the State, by individuals belonging to the several Indian tribes, in their intercourse with each other, or with other tribes, and affecting no other person, is considered as an offence against this Code, but in all other respects, such individuals are upon a

footing with all other persons, both as to protection and liability to punishment.

Article 39. When it shall appear that a minor was aided or instigated in the commission of an offence, by a relation in the ascending line, or by his guardian, or an apprentice under age by his master, or a wife by her husband, such relation, guardian, master or husband shall, at the direction of the jury, in capital cases, be punished by death, and in cases not capital, shall receive double the punishment imposed by law in ordinary cases, for the same offence.

Article 408. If any person shall give, or barter, or cause to be sold, given or bartered, any ardent spirits, or any spirituous or intoxicating liquors, or fire arms, or ammunition to any Indian of the wild or unfriendly tribes, he shall be fined not less than ten nor more than one hundred dollars. Justices of the Peace and Mayors shall have jurisdiction under this article.

Sec. 2. That Articles 33, 218a, the 4th clause of Article 226, Articles 506, 564, 565, 566, and Chapters 1, 2, 3, 4, 5, 6, 7 and 8, of Title 19, Part II; also, Titles 1 and 2, and Chapter 1, of Title III, Part III, and Articles 822, 823, 824, 825 and 829 of Chapter II, Title III, Part III, of the said Act; and also, sections 1 and 3, and the proviso of section 4, of an Act approved March 5th, 1863, entitled an Act to amend an Act to amend an Act to establish a Penal Code, approved August 26th, 1856, approved February 12th, 1858; and all Acts and parts of Acts amendatory of any Article, Chapter or Title, named in this section, be and the same are hereby repealed.

Sec. 3. That this Act shall take effect and be in force from and after its passage.

Passed October 31, 1866.

CHAPTER LXXIV.

An Act for the relief of Preemption Settlers, and to extend the time for the return of the field notes, and to extend the time for the payment of all dues by settlers, under the Acts authorizing the sale of the public domain.

Section 1. Be it enacted by the Legislature of the State of Texas, That all settlers, under the various preemption laws, shall have until the first day of January, A. D. 1869, to return their field notes and pay the dues thereon.

Sec. 2. All laws conflicting with the first section of this Act are hereby repealed.

Sec. 3. That this Act shall take effect and be in force from and after its passage.

Approved November 1st, 1866.

CHAPTER LXXV.

An Act validating the Certificate of Election issued by the Secretary of State to Robert S. Gould, as Judge of the 13th Judicial District.

Section 1. Be it enacted by the Legislature of the State of Texas, That the certificate of election, issued August 22d, 1866, to Robert S. Gould, as Judge of the Thirteenth Judicial District, be, and the same is hereby made as valid as if it had been issued to said Robert S. Gould before any certificate of election had issued to C. M. Winkler, for the same office.

Sec. 2. That this Act take effect from and after its passage.

Approved November 1, 1866.

CHAPTER LXXVI.

An Act to amend an Act entitled "An Act to Legalize certain Marriages, and to provide for the celebration of Marriages, and for other purposes," approved June 5, 1837.

Section 1. Be it enacted by the Legislature of the State of Texas, That all regularly licensed or ordained Ministers of the Gospel, Judges of the District and County Courts, and all Justices of the Peace of the several counties of this State, be, and are hereby authorized to celebrate the rites of matrimony between all persons legally authorized to marry; Provided, That males under sixteen, and females under fourteen years of age shall not marry.

Sec. 2. That this Act take effect from and after its passage.

Approved November 1, 1866.

CHAPTER LXXVII.

An Act to Require the Judge of the Fourteenth Judicial District to hold a Special Term of the District Court of Bexar County.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Judge of the Fourteenth Judicial District be, and he is hereby authorized and requested to hold a special term of the District Court of Bexar county, for the trial of all causes, commencing on the first Monday of January, 1867, and continue in session six weeks.

Sec. 2. That this Act take effect and be in force from and after its passage.

Approved November 1, 1866.

CHAPTER LXXVIII.

An Act to provide for the Tonkawa Indians.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Governor shall appoint an agent for the Tonkawa Indians, whose duty it shall be, under the direction of the Governor, to locate and settle said Indians on the lands set apart for them by the provisions of this act, and who shall superintend and manage their affairs as the Governor shall direct, for which service said agent shall receive not more than five hundred dollars per annum, which amount is hereby appropriated, and may be paid quarterly, upon the approval of the Governor.

Sec. 2. That there shall be set apart for the use of said Indians, as a home, as long as they shall live on the same, one league of land, out of the unappropriated public domain of the State, to be selected on the line of the frontier, at such suitable place as the Governor may direct; Provided, the fee in said land so selected shall remain in the State, and shall not be subject to location or entry, as long as it is used for the purpose herein provided for, and when it shall cease to be so used, it shall not be disposed of except by act of the Legislature.

Sec. 3. That the sum of three thousand five hundred dollars, United States currency, or so much as may be necessary, is hereby appropriated, out of any unappropriated funds in the

Treasury, which shall be expended under the direction of the Governor for the use and benefit of said Indians.

Sec. 4. That the Governor be required to apply to the authorities of the General Government, to take these Indians in charge and provide for them, and in the event the Government shall do so, then the appropriation of money herein made shall cease to be used.

Sec. 5. That the Governor is hereby authorized to furnish to the Tonkawa warriors, one gun each, if there be any belonging to the State on hand.

Sec. 6. That this Act take effect and be in force from and after its passage.

Approved November 1, 1866.

CHAPTER LXXIX.

An Act to authorize the Police Courts to sell the Public School Lands belonging to their respective counties.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Police Courts of this State shall have authority to sell the public school lands belonging to their respective counties, under the regulations hereinafter prescribed.

Sec. 2. That the Police Court shall order an election to be held in the different precincts in their counties, whenever in their judgment they may think proper, at which election the qualified voters of the county may vote "for a sale of the public school lands," or "against a sale of the public school lands;" the officers to hold said election to be appointed, and said election held, and returns made, in the manner prescribed by law for holding elections for State and county officers.

Sec. 3. That, upon the return day of said election, the Police Court shall meet and count the votes; and if a majority of the votes cast be in favor of a sale of the public lands, the said Court shall proceed to sell said lands, or so much thereof as they may think it advisable to sell, after having first had them surveyed into tracts of suitable size to accommodate purchasers for actual settlement, the lines and corners of said surveys distinctly marked, and a map thereof exposed to public inspection, at the office of the County Clerk of said county.

Sec. 4. That said sales shall be made at the Court-house door, at public auction, between the hours prescribed by law,

after at least twenty days' notice in three public places in the county, one of which shall be at the Court-house, and in one or more newspapers of general circulation; said sale to be made upon a credit of not less than one, nor more than ten years—the interest at a rate to be fixed by the Court, to be paid annually; *Provided*, That the Court shall have power to postpone said sales, from time to time, as in their opinion may be for the public good, and to designate the tracts of land to be sold, at any particular sale, in alternate sections or tracts, as they may think prudent; *Provided*, That, where persons have, in good faith, erected mills, or other improvements, upon said lands, under agreement with the County Court, or with their consent, one hundred and sixty acres, including said improvements, shall not be sold at public auction, as herein provided for, but may be sold to the persons owning or making said improvements, at private sale, by said Court, at a fair valuation, not estimating the improvements in said valuation.

Sec. 5. That the Court shall employ some competent person as auctioneer, to make the sales herein provided for, and said auctioneer shall report the same, under oath, to the Court, which report shall be entered on the minutes of the Court, accompanied with the names of the purchasers, the terms of purchase, and the field notes of the particular tracts so purchased.

Sec. 6. That, at the succeeding term of the Court, after each sale, the Court shall receive the notes of the parties purchasing at such sale, in accordance with the terms of sale; and said Court shall, thereupon, give to each purchaser a certificate of sale, over the seal of the County Court, describing the tract or tracts purchased by him, which certificate of sale shall constitute his evidence of title, until the terms of sale shall have been complied with, when the Court shall execute deeds of conveyance, signed by the members of the Court present constituting a quorum.

Sec. 7. That, in no case, shall a deed of conveyance be made to any purchaser until he, his agent or attorney, shall have complied with the terms of sale, by paying the purchase money, principal and interest; *Provided*, That, in all cases, if the annual interest and principal shall not be paid within ninety days after either interest or principal shall become due, the said sale shall become null and void, and the said land so forfeited shall be again sold, together with all improvements thereon, at such time as the Court may direct; *Provided*, That nothing in this section shall be so construed as to prevent the purchaser from

paying up, at any time, and receiving a deed in fee simple for the lands by him purchased.

Sec. 8. That the Court shall, out of the interest arising from the sales of said lands, pay all the expenses of surveying, mapping, selling and conveying the same, and shall, as soon as practicable, after collecting the purchase money arising from the sales of said lands, transmit the same to the Treasurer of the State of Texas, to be added to the "perpetual public school fund of the State;" Provided, That the interest collected, as hereinbefore provided for, and that drawn from the State Treasury, arising from any loan or investment of the proceeds of said sales, shall be appropriated as hereinafter provided.

Sec. 9. That the interest derived, as heretofore provided for, shall be apportioned by the Court to the payment of the tuition of all the white scholastic population in said counties.

Sec. 10. That the money arising from the sales herein provided for, shall, as fast as it may be collected, be deposited by the Court with the County Treasurer, (until otherwise disposed of,) who shall be responsible upon his official bond, for the safe keeping thereof, and shall be entitled to a commission of one-eighth ($\frac{1}{8}$) of one per cent. for receiving and paying out the same.

Sec. 11. That this Act take effect from and after its passage.

Approved November 1, 1866.

CHAPTER LXXX.

An Act Regulating Contracts for Labor.

Section 1. Be it enacted by the Legislature of the State of Texas, That all persons desirous of engaging as laborers for a period of one year or less, may do so under the following regulations:

All contract for labor for a longer period than one month shall be made in writing, and in the presence of a Justice of the Peace, County Judge, County Clerk, Notary Public, or two disinterested witnesses, in whose presence the contract shall be read to the laborers, and, when assented to, shall be signed in triplicate by both parties, and shall then be considered binding, for the time therein prescribed.

Sec. 2. Every laborer shall have full and perfect liberty to

choose his or her employer, but when once chosen, they shall not be allowed to leave their place of employment, under the fulfillment of their contract, unless by consent of their employer, or on account of harsh treatment or breach of contract on the part of the employer, and if they do so leave without cause or permission, they shall forfeit all wages earned to the time of abandonment.

Sec. 3. One copy of the contract, above provided for, shall be deposited with the Clerk of the County Court of the county in which the employer resides; and the Clerk shall endorse thereon, filed, giving the date, and signing his name officially; the contract then shall have the force and effect of an authentic act, and be conclusive evidence of the intent of the parties thereto; but all disputes arising between the parties shall be decided before a court of competent jurisdiction, and said court shall have power to enforce the same.

Sec. 4. The Clerk of the County Court shall enter, in a well bound book kept for that purpose, a regular and alphabetical index to the contracts filed, showing the name of the employer, and the employed, the date of filing, and the duration of the contract, which book, together with the contract filed, shall, at all times, be subject to the examination of every person interested, without fee. The Clerk shall be entitled to demand from the party filing such contract, a fee of twenty-five cents, which shall be full compensation of all services required under this Act.

Sec. 5. All labor contracts shall be made with the heads of families; they shall embrace the labor of all the members of the family named therein, able to work, and shall be binding on all minors of said families.

Sec. 6. Wages due, under labor contracts, shall be a lien upon one-half of the crops, second only to liens for rent, and not more than one-half of the crops shall be removed from the plantation, until such wages are fully paid.

Sec. 7. All employers, wilfully failing to comply with their contract, shall, upon conviction, be fined an amount double that due the laborer, recoverable before any court of competent jurisdiction, to be paid to the laborer; and any inhumanity, cruelty, or neglect of duty, on the part of the employer, shall be summarily punished by fines, within the discretion of the court, to be paid to the injured party; provided, that this shall not be so construed as a remission of any penalty, now inflicted by law, for like offences.

Sec. 8. In case of sickness of the laborer, wages for the time

lost shall be deducted, and, when the sickness is feigned, for purposes of idleness, and also, on refusal to work according to contract, double the amount of wages shall be deducted for the time lost, and, also, when rations have been furnished, and should the refusal to work continue beyond three days, the offender shall be reported to a Justice of the Peace or Mayor of a town or city and shall be forced to labor on roads, streets and other public works, without pay, until the offender consents to return to his labor.

Sec. 9. The labor of the employee shall be governed by the terms stipulated in the contract; he shall obey all proper orders of his employer or his agent, take proper care of his work-mules, horses, oxen, stock of all character and kind; also, all agricultural implements; and employers shall have the right to make a reasonable deduction from the laborers' wages for injuries done to animals or agricultural implements committed to their care, or for bad or negligent work. Failing to obey reasonable orders, neglect of duty, leaving home without permission, impudence, swearing or indecent language to, or in the presence of the employer, his family or agent, or quarrelling and fighting with one another, shall be deemed disobedience. For any disobedience, a fine of one dollar shall be imposed on, and paid by the offender. For all lost time from work hours, without permission from the employer or his agent, unless in case of sickness, the laborer shall be fined twenty-five cents per hour. For all absence from home without permission, the laborer shall be fined at the rate of two dollars per day; fines to be denounced at the time of the delinquency. Laborers will not be required to labor on the Sabbath, except to take necessary care of stock, and other property on the plantation, or to do necessary cooking or household duties, unless by special contract for work of necessity. For all thefts of the laborer from the employer, of agricultural products, hogs, sheep, poultry, or any other property of the employer, or wilful destruction of property, or injury, the laborer shall pay the employer double the amount of the value of the property stolen, destroyed or injured, one-half to be paid to the employer, and the other half to be placed in the general fund, provided for in this section. No live stock shall be allowed to laborers without the permission of the employer. Laborers shall not receive visitors during work hours. All difficulties arising between the employer and laborers, under this section, shall be settled, and all fines imposed by the former; if not satisfactory to the laborer, an appeal may be had to the nearest Justice of the Peace, and two freeholders, citizens, one of said citizens to be selected by the

employer, and the other by the laborer; and all fines imposed, and collected under this section, shall be deducted from the wages due, and shall be placed in a common fund to be divided among the other laborers employed on the place at the time when their wages fall due, except as herein provided; and where there are no other laborers employed, the fines and penalties imposed shall be paid into the County Treasury, and constitute a fund for the relief of the indigent of the county.

Sec. 10. Laborers, in the various duties of the household, and in all the domestic duties of the family, shall, at all hours of the day or night, and on all days of the week, promptly answer all calls, and obey and execute all lawful orders and commands of the family in whose service they are employed, unless otherwise stipulated in the contract, and any failure or refusal by the laborer to obey, as herein provided, except in case of sickness, shall be deemed disobedience, within the meaning of this Act. And it is the duty of this class of laborers to be especially civil and polite to their employer, his family and guests, and they shall receive gentle and kind treatment. Employers, and their families, shall, after ten o'clock at night, and on Sundays, make no calls on their laborers, nor exact any service of them, which exigencies of the household or family do not make necessary or unavoidable.

Sec. 11. That for gross misconduct on the part of the laborer, such as disobedience, habitual laziness, frequent acts of violation of their contracts, or the laws of the State, they may be dismissed by their employer; nevertheless the laborer shall have the right to an appeal to a Justice of the Peace, and two freeholders, citizens of the county, one of the freeholders to be selected by him or herself, and the other by his or her employer, and their decision shall be final.

Sec. 12. That all laws and parts of laws contrary to or conflicting with the provisions of this Act be, and are hereby repealed, and that this Act take effect from and after its passage.

Approved November 1, 1866.

CHAPTER LXXXI.

An Act to regulate the erection of Bridges in Collin County, and extend the time for the building of the same.

Section 1. Be it enacted by the Legislature of the State of Texas, That no toll or public bridge shall be built across Pilot

Grove, Sister Grove Creek, or the East Fork of the Trinity River, in the county of Collin, within three miles of any toll-bridge authorized to be built across said streams, by charters granted during the sitting of the present Legislature.

Sec. 2. That the time for the building of the toll-bridges mentioned in this Act, is hereby extended to the first day of January, A. D. 1868; and that this Act take effect and be in force from and after its passage.

Approved November 1, 1866.

CHAPTER LXXXII.

An Act to provide for the punishment of persons tampering with, persuading or enticing away, harboring, feeding or secreting laborers or apprentices, or for employing laborers or apprentices under contract of service to other persons.

Section 1. Be it enacted by the Legislature of the State of Texas, That any person who shall persuade, or entice away from the service of an employer, any person who is under a contract of labor to such employer, or any apprentice, who is bound as such, from the service of his master, or who shall feed, harbor, or secrete, any such person under contract, or apprentice who has left the employment of employer or master, without the permission of such employer or master, the person or persons so offending shall be liable in damages to the employer or master, and shall, upon conviction, be punished by fine, in a sum not exceeding five hundred dollars, nor less than ten dollars, or by imprisonment in the county jail, or house of correction, for not more than six months, or by both such fine and imprisonment.

Sec. 2. Any person who shall employ any laborer or apprentice who is, at the time of such employment, under contract, for any period of time, to any other person, and before such time of service shall have elapsed, so as to deprive such first employer or the master of such apprentice, of the services of such laborer or apprentice, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, before any Court of competent jurisdiction, shall be punished by a fine of not less than ten, nor more than five hundred dollars, for each and every offence, or by imprisonment in the county jail or house of correction, for a period not exceeding thirty days, or by both such fine and imprisonment, and shall be liable in damages to the party injured.

Sec. 3. Any person who shall discharge from his employment any laborer or apprentice, during the term of service agreed upon between such employer and such laborer or apprentice, or, at the expiration of such term of service, shall, upon the request of such laborer or apprentice, give to him or her a written certificate of discharge, and, upon refusal to do so, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be punished by a fine not exceeding one hundred dollars.

Sec. 4. It shall be the duty of the Judges of the District Courts to give this Act specially in charge to the Grand Jury at each term of their respective Courts.

Approved November 1, 1866.

CHAPTER LXXXIII.

An Act to extend the time for renewing files of Land Certificates, making surveys, and return of field notes.

Section 1. Be it enacted by the Legislature of the State of Texas, That all holders of land certificates, whether individuals or corporations, shall have twelve months, from the first day of January next, to renew their files, or make surveys, and to return field notes to the General Land Office; and no forfeiture or loss of right shall accrue to any holder of a valid certificate, entry, file or survey, in consequence of any failure to renew their files, to make surveys, or to return their field notes, within the time prescribed by law.

Sec. 2. That all entries, files, locations and surveys, made over or upon any such files, entries, locations or surveys, as specified in the first section of this Act, since the second day of March, 1861, are hereby declared null and void; Provided, That nothing in this Act shall be so construed as to revive any forfeiture that was made prior to the first day of September, 1860; and the Commissioner of the General Land Office is hereby prohibited from issuing patents thereon.

Sec. 3. That this Act take effect and be in force from and after its passage.

Passed November 2, 1866.

CHAPTER LXXXIV.

An Act to Define the Boundary Lines of Palo Pinto, Erath and Johnson Counties.

Section 1. Be it enacted by the Legislature of the State of Texas, That the boundary lines of Palo Pinto county are hereby changed as follows: From the southwest corner of Parker county, due south to a point due east from the southeast corner of Stephens county; thence west, to the southeast corner of Stephens county; thence following the lines as heretofore established.

Sec. 2. That the boundary lines of Erath county shall hereafter run as follows: Beginning at the north line of Bosque county, where the same crosses the east Bosque, thence in a northwestward course, in a direct line to the southeast corner of Palo Pinto county, as now established; thence west, with the south line of Palo Pinto county, to the northeast corner of Eastland county; thence south, with the east line of said county, to its southeast corner; thence with the lines as heretofore established, to the beginning.

Sec. 3. That the county of Johnson shall hereafter be bounded as follows: Beginning on the northeast bank of the Brazos River, at the upper corner of a 320 acre survey in the name of J. Lyon, which is also the lower corner of A. Farquhar's 320 acre survey; thence due north, to the intersection of the south line of Parker county; thence east, with the south line of Parker and Tarrant counties, to the present north corner of Johnson county; thence southeast, with the west line of Ellis county, to the north corner of Hill county; thence south to the north corner of Hill county; thence westward, with the north line of Hill county, to the Brazos River; thence following the meanders of the Brazos River, to the place of beginning.

Sec. 4. That the County Judges of the several counties, the boundaries of which are changed by this act, be authorized to appoint Commissioners to locate the boundaries of said counties, as contemplated by this act.

Sec. 5. That this Act take effect and be in force from and after its passage.

Passed November 2, 1866.

CHAPTER LXXXV.

An Act creating the County of Hood, and naming the County site thereof.

Section 1. Be it enacted by the Legislature of the State of Texas, That from and after the passage of this act, all that portion of the territory included in the following limits, to-wit: Beginning at the north corner of Bosque county, on the bank of Brazos river, thence with the north line of Bosque county southwestward to its crossing of the East Bosque; thence northwestward in a direct line, to the southeast corner of Palo Pinto county, as now established; thence north, to the southwest corner of Parker county; thence east, with the south line of Parker county, to the northwest corner of Johnson county, as now established; thence south with the west line of Johnson county, to Brazos river, at the upper corner of the J. Lyon 320 acre survey; thence with Brazos river, and across the same to the beginning, be, and the same is hereby created into, and constituted a separate county, for judicial and other purposes, and shall be vested with all the rights and privileges exercised and enjoyed by the several counties of the State, and shall be called the county of Hood, in honor of General J. B. Hood, of the late Confederate Army.

Sec. 2. That the county site of said county shall be located within six miles of its geographical centre, and be called Granberry, and that the District and County Courts shall be holden at that place, and the officers of said county be governed by the laws pertaining to the several counties of the State, relative to the holding of their offices, and all other things pertaining to their duties.

Sec. 3. That Claibourn Arrington, William Manley and C. C. Alexander be, and are hereby appointed Commissioners, with full power and authority to organize the said county of Hood, and it shall be their duty, as soon as practicable, after giving the notice as required by law for the organization of new counties, to open and hold an election for County Judge, County Commissioners, Sheriff, Clerks of the District and County Courts, and all other officers directed by law for other counties of this State; and said commissioners shall receive for the use of said county of Hood, any donation or donations of lands, for public use, and that so soon as said county is organized, they shall make a report in full, of their actions performed as commissioners to the County Court of said county of Hood, and

turn over to said court, all the papers pertaining to said organization, as records of office of the said County Court; and said Commissioners shall be further required to employ a suitable person to survey and define the lines and corners of said county of Hood, for which services said surveyor shall be paid out of the treasury of said county.

Sec. 4. That the Commissioners appointed by this Act, shall, before entering upon the duties of their office, take and subscribe to an oath, before some Justice of the Peace of Johnson or Erath county, for faithful and impartial discharge of their duties; and said Commissioners are hereby authorized and empowered to qualify the first County Judge, and other officers of said county, and that the county of Hood is hereby attached to the 16th Judicial District, for judicial purposes.

Sec. 5. That this Act take effect and be in force from and after its passage.

Passed November 2, 1866.

CHAPTER LXXXVI.

An Act to Amend the Sixteenth Section of an Act to Regulate Railroad Companies, approved February 7th, 1854.

Section 1. Be it enacted by the Legislature of the State of Texas, That section sixteenth of an Act approved February 7th, 1854, shall hereafter read as follows:

“Every such Company shall, for a reasonable compensation, draw over their railroad, without delay, the passengers, merchandise and cars of every other railroad company, which may enter and connect with their railroad; and if the respective companies cannot agree upon the compensation aforesaid, it shall be the duty of the President of each company to select one man as Commissioner, and the two Commissioners so selected, (and in case of disagreement, the State Engineer, or such person as the Governor may appoint, shall be the umpire,) neither of whom shall be a stockholder in either road, nor shall at any time have been in the employment of either company, or in any way interested in either company, and they shall fix the rates (at) which said cars shall be drawn over said roads, which rates shall not be changed for one year from the time of going into effect. The said Commissioners shall also fix the stated periods at which said cars shall be drawn over said roads without delay.

as aforesaid, which shall not be less than three times a week, and oftener, if the necessities of the company may require it, due regard being had to the convenience and interest of each company, and the public, who shall be accommodated thereby. That in case said companies, or either of them, should fail, or refuse to make, or carry out when made, the necessary agreement, or arrangement, to draw the cars of each over their respective roads, without delay, as aforesaid, the President of said company so failing, shall be individually responsible to the person, or his or her agent, who is deprived thereby of the privilege of shipping freight on the cars which should be drawn over said road, in the sum of five hundred dollars, which sum shall be recovered in any court of competent jurisdiction. That when the agreement for drawing cars of companies over their respective roads, as prescribed in this section, is effected, a synopsis of the terms of the same shall be posted up in the office of the respective companies, and shall be published by said companies as a standing advertisement in a newspaper published in the cities of Houston and Galveston, and said companies shall be required to receive and receipt for freight to be shipped over the roads of the companies with which they may connect, in cars to be drawn over said roads, as prescribed by the agreement aforesaid, which freight shall go through on said cars without breaking bulk and reshipping the same at any depot where said roads connect; and should any railroad agent fail, or refuse to receive and receipt for freights to be shipped over the road of his principal, or to be shipped by drawing cars over roads that connect with the road of his principal, in the manner prescribed in this Act, said agent shall pay to the party, or his or her agent, so refused, the sum of two hundred dollars, which sum shall be recovered before any court of competent jurisdiction. That the State Engineer, and in case there is no such officer, such person as the Governor shall appoint to act as such, shall have the right and power to compel all railroads that connect with each other in this State, to make their connections regular and proper, so as to accommodate the public travel on said roads, and shall have the right and power to compel said companies to draw the passengers and freights of each other on their respective roads and cars, and in case said company should refuse to do so, then said Engineer or such person as may be appointed by the Governor, shall take possession of said railroad and rolling stock, in the name of the State, and report the same to the Governor thereof; said road so taken shall be used for the use and benefit of the State until said company make satisfactory arrangements with the Gover-

nor to insure the State that they will carry out in good faith the objects of this Act; Provided, that unavoidable circumstances, when proven, shall be a good defence to any recovery under this section; and provided further, that the right, or power, is specially conferred on any railroad company to enter and connect with any other railroads within the scope of designative route and branches."

Sec. 2. That this Act take effect and be in force from and after its passage.

Approved November 3, 1866.

CHAPTER LXXXVII.

An Act to authorize the Police Court of Walker County to levy and collect a Special Tax for repairing and completing the County buildings.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Police Court of Walker county be, and is hereby authorized to levy and collect, on each and every hundred dollars' worth of taxable property in said county, a special tax not exceeding sixteen and two-thirds cents, for three years consecutively, beginning with the year 1867, for repairing and completing the county buildings of said county.

Sec. 2. That it shall be the duty of the Assessor and Collector of taxes for the county, to assess and collect said special tax at the same time, and in the same manner, and for the same rate of compensation provided by the general law for assessing and collecting county taxes.

Sec. 3. That the assessment of said special tax, when made, shall operate a lien upon property in like manner, and to the same extent, as the assessments of the State and county taxes under the general laws of the State in existence at the time.

Sec. 4. That this Act have and take full force and effect from and after its passage.

Approved November 3, 1866.

CHAPTER LXXXVIII.

An Act to provide for supplying the Records of the County Clerk's and County Surveyor's office of Karnes and Erath counties.

Whereas, the office of the Clerk of the County Court of Karnes County was consumed by fire on the 18th day of July, A. D., 1865, and all the records, books and papers belonging to said office were destroyed, including the maps and records of the County Surveyor's office for said county; therefore,

Section 1. Be it enacted by the Legislature of the State of Texas, That any person, or persons, claiming under any deed or instrument in writing, which has been heretofore recorded in the records of said office prior to said burning, may cause the same, with the endorsement of the Clerk thereon, certifying to the former record, to be again recorded in said office, and the second record shall be received as evidence that the said deed or instrument in writing, was duly recorded at the date of said certificate.

Sec. 2. Any person claiming any right under any deed or instrument in writing, which had been recorded in said Clerk's office prior to said burning, the original of which has been lost or destroyed, or is beyond the reach or control of such claimant; and any person claiming under any deed or instrument of writing, or record of the County Court of said county, which was destroyed by said burning, shall be permitted to establish the existence of such lost deed or instrument in writing, and the contents thereof, in the manner prescribed by law for proving the contents of lost instruments, and for that purpose he may apply to the Judge of the County Court of Karnes county for a citation to the grantor in such deed, or to the party or parties interested in such instrument in writing, or record, if living, and if dead, to his or their heirs and legal representatives, to appear at a term of the County Court to be designated in said citation, and contest the rights of the applicant to have the said lost instrument substituted and recorded; the service of said citation shall be made in the manner provided for the service of process from the District Courts. On hearing said application, if the Court shall be satisfied of the existence of such deed or instrument in writing or record, and of its loss as alleged by the applicant, and the contents thereof, he shall cause an order to be entered upon the records of the Court to that effect, which shall contain a description of the lost deed, instrument or record, and

its contents, and a certified copy of such order, duly recorded in the records of the said county, shall stand in the place of said lost deed or instrument in writing or record, and shall have the same force and effect as said lost deed, instrument or record, and the record thereof.

Sec. 3. It shall be the duty of the County Judge of the county of Karnes, upon his own motion, or upon the application of any person interested, to cite any administrator or executor of any estate, the administration of which has not been finally closed, or the guardian of any minor, to appear before him at some regular term of said Court, and make exhibit, under oath, of the condition of the estate he represents; and upon the hearing, such action shall be had as the facts elicited shall require, under the laws regulating executors, administrators and guardians.

Sec. 4. It shall be the duty of the Commissioner of the General Land Office, upon the application of the County Judge of Karnes county, to furnish the County Surveyor of said county with a certified transcript of the field notes of all surveys of land situated in said county, and a map of the same, for which purpose the said County Judge shall furnish a well bound book of sufficient dimensions for said transcripts, and shall pay, out of any monies belonging to the counties, the actual cost of clerk hire for the time employed in making said transcript and map.

Sec. 5. That the Secretary of State be required to furnish the County Judges of the counties of Karnes and Erath with the statistics (statutes) of the State and the reports of the Supreme Court for the use of said counties respectively.

Sec. 6. It shall be the duty of the County Judge of Karnes county to cause a notice of the requirements of this act to be published for twelve consecutive weeks in the State Gazette, and this Act shall take effect and be in force from and after its passage.

Sec. 7. That the provisions of this Act be and are hereby extended to the county of Erath.

Approved November 5, 1866.

CHAPTER LXXXIX.

An Act to permit former owners of land sold for taxes prior to the 28th day of January, 1861, and purchased by the State, to redeem the same.

Section 1. Be it enacted by the Legislature of the State of Texas, That the former owners of lands that have been sold for taxes prior to the 28th day of January, 1861, and purchased by the State, shall have two years from and after the passage of this act to redeem the same.

Sec. 2. That this Act take effect and be in force from and after its passage.

Approved November 5, 1866.

CHAPTER XC.

An Act to authorize Guardians and Administrators to compound bad and doubtful debts in certain cases.

Section 1. Be it enacted by the Legislature of the State of Texas, That guardians of the estates of minors, and administrators and executors of the estates of deceased persons, shall have power and authority to compound bad and doubtful debts due to the estates of which they are such guardians, administrators or executors, or to extend the time for the payment of the same, upon the debtor giving ample security for the payment thereof, upon such terms as may, by the County Judge, be deemed for the best interest of such estates; Provided, that no such debt or debts shall be so compounded, or the time for the payment extended, until a full representation of the condition of such debt or debts, and of the ability of the person or persons owing them to pay or secure the same, or any portion thereof, accompanied by satisfactory evidence of the truth of such representations, shall be presented by such guardians, administrators or executors to the County Judge of the proper county, and an order made by the County Judge allowing the said debt or debts to be so compounded, and directing the terms and conditions upon which it may be done; and no action of such guardian, administrator or executor in the premises, shall be valid until all his acts in the premises shall have been re-

ported to and confirmed by the County Judge; and that this Act take effect and be in force from and after its passage.

Approved November 5, 1866.

CHAPTER XCI.

An Act concerning Disorganized Counties. .

Section 1. Be it enacted by the Legislature of the State of Texas, That all counties that have heretofore been legally organized, and that have lost their county organization by reason of Indian incursions, or from any other cause, shall be, for all judicial purposes, and for the registration of deeds, mortgages and all other instruments that are now or may hereafter be required or allowed by law to be recorded, attached to the organized county, whose county seat is nearest the county seat of such disorganized county, and so remain attached until such disorganized county shall again be legally organized.

Sec. 2. That this Act take effect and be in force from and after its passage.

Approved November 5, 1866.

CHAPTER XCII.

An Act to prohibit the carrying of Fire-Arms on premises or plantations of any citizen without the consent of the owner.

Section 1. Be it enacted by the Legislature of the State of Texas. That it shall not be lawful for any person or persons to carry fire-arms on the enclosed premises or plantation of any citizen, without the consent of the owner or proprietor, other than in the lawful discharge of a civil or military duty, and any person or persons so offending shall be fined a sum not less than one nor more than ten dollars, or imprisonment in the county jail not less than one day nor more than ten days, or both, in the discretion of the Court or jury before whom the trial is had.

Passed November 6, 1866.

CHAPTER XCIII.

An Act to levy Taxes.

Section 1. Be it enacted by the Legislature of the State of Texas, That there shall be levied and collected, at the times, and in the manner provided in the Assessment Act, passed at the present session of the Legislature, on all property subject to ad valorem tax within this State, on the first day of January, 1867, and on that day, in every year thereafter, an annual tax of fifteen cents on every one hundred dollars of value of such property.

Sec. 2. That there shall be levied on and collected from every male person above twenty-one years of age, resident within this State, on the first day of January next, and on that day in every year thereafter, (Indians not subject to ad valorem, income, or salary tax, excepted,) an annual capitation tax of one dollar each.

Sec. 3. That there shall be levied on and collected from every person, firm, corporation, or association, doing business within this State, at any time during the year 1866, and in every year thereafter, an annual income tax, as follows: On the first thousand dollars of net or taxable income, a tax of one per cent.; on the second thousand dollars, a tax of one and a half per cent.; on the third, fourth and fifth thousand dollars, a tax of two per cent.; and on all taxable incomes above five thousand dollars, a tax of three per cent.

Sec. 4. That, upon the salaries of all salaried persons, serving in any capacity whatever, except upon persons in the army or navy of the United States, or those whose salaries are six hundred dollars or less per annum, an annual tax of one-half of one per cent. on all sums over six hundred dollars so received.

Sec. 5. That there shall be levied on and collected, from every person, firm, or association of persons, pursuing, or about to pursue any of the following named occupations, an annual tax (except where otherwise herein provided) on every such occupation, or separate establishment, as follows: For selling spirituous, vinous, or malt liquors, in quantities less than one quart, three hundred dollars; for selling spirituous, vinous, or other intoxicating liquors, in quantities of one quart and less than one gallon, (except retailers, who have obtained license therefor,) one hundred dollars; for every billiard table used for pleasure or profit, forty dollars; for every nine or ten pin alley, used for pleasure or profit, fifty dollars; for every peddler, fifty

dollars, in each and every county in which he or they may pursue such occupation; for every gift enterprise, one hundred dollars—every person, firm, or corporation, who shall sell, or offer to sell anything, with a promise, either expressed or implied, to give anything in consideration of such sale and purchase, shall be regarded as a proprietor of a gift enterprise; for every theater or dramatic representation, for which pay for admittance is demanded or received, for each representation thereof, five dollars; for every circus, where equestrian performances or acrobatic feats are exhibited, for which pay for admittance is demanded or received, for each performance thereof, notwithstanding more than one may take place daily, five dollars; for every menagerie, wax-work, or show of any kind, where a separate fee for admission is demanded or received, five dollars for every day in which fees for admission are received; for every concert, lecture, reading, or other intellectual entertainment, where a fee for admission is demanded or received, five dollars.

Sec. 6. That the taxes levied by the preceding section shall be collected, notwithstanding the exhibition, performance, or entertainment, is for benevolent or charitable purposes, and no license shall be granted for a less period than three months.

Sec. 7. That all licenses taken out to pursue any taxable calling or occupation, before the first day of January next, shall expire on that day; and if the occupation be one upon which a tax is levied in section five hereof, the pro-rata amount for the unexpired time shall be credited on the amount as levied by this Act.

Sec. 8. That the Police Courts shall have power to levy taxes equal to one-half of the amount, as herein levied.

Sec. 9. That the taxes levied by this Act are payable in the National Currency of the United States: but the valuation of property for the assessment of ad valorem tax, and the estimate of incomes and salaries, shall be made in specie, as provided in the Assessment Act.

Sec. 10. That this Act take effect and be in force from and after the first day of January next.

Approved November 6th, 1866.

CHAPTER XCIV.

An Act to regulate the time that Railroad Passenger Cars shall stop at way stations.

Section 1. Be it enacted by the Legislature of the State of Texas, That from and after the establishment of any wayside station or stations, by any railroad company in this State, it shall be the duty of the conductor, or other person in charge of any train of passenger cars, upon such railroad, to stop his train at each and every such station, not less than five minutes; and any such conductor, or other person in charge of such passenger train, who shall, upon any occasion, pass any such station without stopping his train as aforesaid, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall, for each and every offence, be punished by a fine of not less than fifty dollars, and not more than one hundred dollars, or by imprisonment in the county jail for a term not exceeding thirty days, and may be proceeded against for such offence by information or indictment in any county through which the road passes.

Approved November 6th, 1866.

CHAPTER XCV.

An Act to amend an Act entitled "An Act authorizing the disposition and sale of the University Lands," approved August 30th, 1856.

Section 1. Be it enacted by the Legislature of the State of Texas, That the third section of the above recited Act shall hereafter read as follows:

"Sec. 3. After said map and field notes shall have been made and returned to the General Land Office, as hereinbefore provided for, it shall be the duty of the Governor to cause to be sold, from time to time, any of said land, in such quantities, not to exceed three hundred and twenty acres, but may authorize the sale of the same in such less bodies or tracts as he may deem proper, and at such times as he may direct, at public auction, to the highest bidder, at the county seat of the county in which the same may be situated; Provided, Such sale, and the terms thereof, shall first have been advertised, for sixty days, in two newspapers, published nearest to the county in which the land

is situated, also in at least three public places in said county, and (in) at least one paper at the seat of government; Provided, also, That such lands shall not be sold for a less price than three dollars, specie, per acre; Provided, That the land shall only be sold in regular subdivisions of one-half, one-quarter, and one-eighth of sections."

Sec. 2. That all laws conflicting with this Act be, and the same are hereby repealed; and that this Act take effect and be in force from and after its passage.

Approved, November 6, 1866.

CHAPTER XCVI.

An Act attaching certain Counties therein named, to the Counties of Jack and Montague for Judicial and other purposes.

Section 1. Be it enacted by the Legislature of the State of Texas, That the counties of Young, Throckmorton, Haskell, Knox, Baylor and Archer be, and the same are hereby attached to the county of Jack, for Judicial and other purposes; and when the county of Young is organized, the counties of Throckmorton, Haskell, Knox, Baylor and Archer, shall belong to the county of Young.

Sec. 2. That the counties of Clay, Wichita, Wilbarger, Hardeman and Greer be, and the same are hereby attached to the county of Montague, for Judicial and other purposes; and when the county of Clay is organized, the counties of Wichita, Wilbarger, Hardeman and Greer shall belong to the county of Clay.

Sec. 3. That the Assessors and Collectors of organized counties, to which the unorganized county or counties are attached for Judicial and other purposes, are hereby authorized and required to assess and collect the taxes, both State and county, from all persons (on all property subject to taxation) living in any of said unorganized counties, the same as if they were citizens of said counties.

Sec. 4. All acts and laws conflicting with this Act are hereby repealed, and this Act take effect from and after its passage.

Approved November 6, 1866.

CHAPTER XCVII.

An Act authorizing the Surveyors of Dallas, Hopkins and Lamar Counties to transcribe the Records of their Offices.

Section 1. Be it enacted by the Legislature of the State of Texas, That the County Surveyors of Dallas, Hopkins and Lamar counties be, and they are hereby authorized to transcribe all the records of their offices, each into one or more well bound book, which said records, so transcribed, and the correctness of which, certified to by the County Judges of Dallas, Hopkins and Lamar Counties, shall have the same force and effect as the original records from which they shall be transcribed.

Sec. 2. The County Surveyors, for performing the service required by the first section of this act, shall be paid such an amount as shall be allowed them by the County Courts of their respective counties, not to exceed fifteen cents per hundred words. And that this Act take effect from and after its passage.

Approved November 6, 1866.

CHAPTER XCVIII.

An Act authorizing and requiring the Comptroller of Public Accounts to transfer certain funds now at credit of School Fund to State Revenue Account.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Comptroller be, and he is hereby authorized and required to transfer from School Fund to State Revenue Account, the sum of twenty-five thousand three hundred and fifty-five dollars and thirty-three cents, United States currency, and two hundred and sixty dollars and seventy four cents, specie, which amounts were placed to credit of School fund, during the late Provisional Government, out of revenue derived from taxes for the years 1865 and 1866, in violation of an ordinance of the late Convention, "securing the common School Fund, University Fund, and for other purposes."

Sec. 2. That this Act take effect and be in force from and after its passage.

Approved November 6, 1866.

CHAPTER XCIX.

An Act to transfer certain Specie in the Treasury to the Credit of Estates of Deceased Persons.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of seven thousand five hundred and fifty-nine dollars and sixty-one cents, in specie, now in the Treasury, and standing to the credit of State revenue account, and which has been in the Treasury since the robbery, in the spring of 1865, be, and the same is hereby authorized to be transferred back to said fund.

Sec. 2. That this Act take effect from its passage.

Approved November 6, 1866.

CHAPTER C.

An Act to authorize the Police Court of Burleson County to levy a Special Tax for building a County Jail in the County Site of said County.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Police Court of Burleson county be, and it is hereby authorized, to levy a special tax on all taxable property in said county, not to exceed twenty cents on the one hundred dollars' worth of property, for the purpose of building a good and substantial jail in the county site of said county.

Sec. 2. That the Assessor and Collector of Burleson county shall assess and collect said special tax in the same manner as other taxes, and shall receive like compensation; and in addition to his official bond, execute a bond in such sum as said Police Court may fix, for the faithful performance of said duty, conditioned as other Assessors' bonds.

Sec. 3. That this act take effect and be in force from and after its passage.

Approved November 6, 1866.

CHAPTER CL.

An Act authorizing the Police Court of Parker County to levy a Special Tax for the support of Lunatics belonging to that County.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Police Court of Parker county is hereby authorized to levy and collect a special tax of five cents on the one hundred dollars' worth of taxable property in said county, to meet the demands of the Superintendent of the Lunatic Asylum against said county, on account of its citizens that are now, and have been for some time, inmates of said Lunatic Asylum.

Sec. 2. That this special tax be levied and collected by the Assessor and Collector of Parker county, in like manner as is prescribed by law for the levy and collection of other taxes, and that this act take effect and be in force from and after its passage.

Approved November 6, 1866.

CHAPTER CII.

An Act requiring Railroad Companies to provide convenient accommodations for Freedmen.

Section 1. Be it enacted by the Legislature of the State of Texas, That from and after the passage of this act, every Railroad Company heretofore incorporated, or which may hereafter be incorporated, by the Legislature of this State, shall be required to attach to each passenger train run by said Company, one car for the special accommodation of Freedmen.

Approved November 6, 1866.

CHAPTER CIII.

An Act to amend an Act to provide for the payment of Grand and Petit Juries, passed February, 1850.

Section 1. Be it enacted by the Legislature of the State of Texas, That Sections two, three and six, of "An Act to provide

for the payment of Grand and Petit Juries, passed February, 1850," be and the same are hereby repealed; and that hereafter a jury fee of five dollars upon all civil causes, which are now pending, or that may hereafter be commenced, in any District Court of this State, be taxed in the bill of costs, to be collected in the same manner as is provided by law for the collection of other costs; Provided, that said fees, when collected, shall be paid to the County Treasurer, and by him disbursed in accordance with certificates of Clerks of District Courts.

Sec. 2. That all laws, or parts of laws, conflicting with the provisions of this Act, be and the same are hereby repealed; and that this act take effect and be in force from and after its passage.

Approved November 6, 1866.

CHAPTER CIV.

An Act amendatory of and supplemental to an act to adopt and establish a Penal Code for the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Penal Code be and the same is hereby amended by inserting therein the following additional Article, to wit:

Article 154. a. Whenever a female is sentenced to the Penitentiary, who has an infant child, it shall be the duty of the Superintendent to receive the child with its mother, if under two years of age; and when it shall arrive at the age of two years, it shall be the duty of the Superintendent to report the same to the County Judge, that it may be dealt with according to law regulating minors.

Sec. 2. This act shall take effect from its passage.

Approved November 7, 1866.

CHAPTER CV.

An Act to confer the Office of Librarian on the Clerks of the Supreme Court.

Section 1. Be it enacted by the Legislature of the State of Texas. That the Clerks of the Supreme Court are hereby cre-

ated, and they shall become, Librarians, in charge of the Libraries of said Court.

Sec. 2. It shall be the duty of such Librarians to take charge of, and keep together, and in good order, and make catalogues of the books of said Libraries, which shall be open to the public use, under such rules as may be prescribed by them for the safe-keeping thereof; Provided, the books shall not be removed from the Library Room, except by the Judges of the Court, and by members of the Legislature, during the session of the Legislature, upon their receipt for the same to the Clerk, for which service, as aforesaid, they shall receive from the State Treasury the sum of two hundred dollars, in addition to their fees of office; Provided, no fees shall be charged for service as Librarian.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved November 7, 1866.

CHAPTER CVI.

An Act to establish a Criminal Court in the City of Jefferson.

Section 1. Be it enacted by the Legislature of the State of Texas, That there shall be established in the city of Jefferson a Criminal Court, to be styled the Criminal Court of the City of Jefferson.

Sec. 2. That the said Court shall have general and concurrent jurisdiction with the District Court of Marion county in all criminal cases coextensive with the limits of Marion county.

Sec. 3. That all laws and rules of evidence pertaining to the District Court, in criminal matters, be, and the same are hereby made applicable to this Court.

Sec. 4. That there shall be an election by the qualified electors of Marion county, on the third Monday in December, A. D. 1866, for a Judge of the said Court, who shall hold his office until the first Monday in August, A. D. 1870, and shall be elected every four years thereafter, and hold his office until his successor is qualified; the returns of said election shall be made as in other elections for county officers; and the said Judge may be removed from office in same manner as District Judges.

Sec. 5. That the salary of the Judge shall be twelve hundred dollars per annum, to be paid quarterly from the Treasury of the county: but that nothing in this Act shall be so construed

as to prevent the said Judge from practicing as an attorney and counsellor at law in civil cases in any of the Courts of the State.

Sec. 6. That the terms of the Court shall be held on the first Monday in January, April, July and October, of each year, and continue until business is disposed of; and all laws pertaining to the empannelling of jurors, either grand or petit, in District Courts, shall be applicable in this Court.

Sec. 7. That it is made the duty of the County Attorney of Marion county to discharge the duty of Prosecuting Attorney in behalf of the State in this Court, and his duties and fees shall be the same as those of the District Attorney in like cases.

Sec. 8. That the Court herein established is declared a Court of Record; and the Clerk of the District Court of Marion county shall be ex officio Clerk of this Court, and shall, at the expense of the county of Marion, procure a suitable seal for said Court, inscribed "Criminal Court of Jefferson," and shall use the same in authentication of all his acts, and his duties and compensation shall be the same as those of the District Court in like cases.

Sec. 9. That appeals and writs of error may be prosecuted from this Court to the Supreme Court of the State in the same manner and form as from the District Court in like cases.

Sec. 10. That this Act take effect and be in force from and after its passage.

Approved November 8, 1866.

CHAPTER CVII.

An Act for the relief of persons who settled on Public Lands of the State prior to the first day of January, 1861.

Section 1. Be it enacted by the Legislature of the State of Texas, That any person who, in good faith, may have settled on any of the vacant or unappropriated lands of the State, prior to the first day of January, 1861, and since the first day of January, 1858, and has continuously occupied the same, actually or constructively, and who has not made the payment required by the laws under which such settlement was made, shall have until the first day of January, 1868, to pay the same.

Sec. 2. Upon the payment of all monies due from such settlers, at or before the time above specified, he, she, or they, shall

receive title to the quantity of land granted under the laws in force at the time of settlement on the same.

Sec. 3. This Act shall take effect and be in force from and after its passage.

Approved November 8, 1866.

CHAPTER CVIII.

An Act to authorize and require the holding of a Special Term of the District Court of Bastrop County.

Section 1. Be it enacted by the Legislature of the State of Texas, That a special term of the District Court of Bastrop county be, and is hereby authorized and required to be held at the county seat thereof, on the 10th day of December, A. D. 1866, being the second Monday thereof.

Sec. 2. That the Judge of the Second Judicial District, and the Clerk of the District Court of said county, and the Sheriff of said county, and all other officers connected therewith, be, and are hereby authorized and required to do all things, and to take all proper steps for the holding of said special term, as they are authorized and required by law for the holding of a regular term of said Court.

Sec. 3. That all writs and processses heretofore issued, and returnable to the regular term of said Court, be, and are hereby made returnable to said special term; and all writs and processes heretofore issued, and at any term (time) previous to within five days next before the holding of said special term, be and the same are hereby required to be made returnable to said special term; Provided, That subpoenas, and such like processes, shall be made returnable to said special term, at any time, as at a regular term of said Court.

Sec. 4. The Clerk of said Court be, and he is hereby authorized and required to give notice of the holding of said special term, by publishing the same in a newspaper published in the town of Bastrop, for three weeks next before the holding of said special term.

Sec. 5. That all orders, judgments and proceedings of said Court, at said special term, shall be of the same force and validity as if done at a regular term of said Court.

Sec. 6. And that this Act take effect from its passage.

Approved November 8, 1866.

CHAPTER CIX.

An Act to amend an Act entitled "An Act to establish a Penal Code," approved August 26th, 1856.

Section 1. Be it enacted by the Legislature of the State of Texas, That an Act entitled "An Act to establish a Penal Code," approved 26th August, 1856, be so amended that an additional article be inserted, to be numbered and read as follows:

"713a. If any person shall wilfully use, or knowingly permit to run at large, upon the range off of his own premises, any horse, mare, gelding, mule, jack, jennet, or colt, diseased with glanders, he shall be fined in the sum of not less than twenty-five dollars, nor more than two hundred dollars, or be confined in the county jail for not less than ten days, nor more than three months."

Approved November 8, 1866.

CHAPTER CX.

An Act Supplementary to an Act entitled an Act to require the Judge of the Fourteenth Judicial District to hold a Special Term of the District Court of Bexar County, approved November 1st, 1866.

Section 1. Be it enacted by the Legislature of the State of Texas, That said court shall only be held for the disposition of the criminal business of said court.

Sec. 2. That this Act take effect from and after its passage.

Approved November 8th, 1866.

CHAPTER CXI.

An Act to define the offence of Vagrancy, and to provide for the punishment of Vagrants.

Section 1. Be it enacted by the Legislature of the State of Texas, That a vagrant is hereby declared to be an idle person.

living without any means of support, and making no exertions to obtain a livelihood, by any honest employment. All persons who stroll about to tell fortunes, or to exhibit tricks or cheats in public, not licensed by law, common prostitutes and professional gamblers, or persons who keep houses for prostitutes, or for gamblers; persons who go about to beg alms, (and who are not afflicted or disabled by a physical malady or misfortune); and habitual drunkards, who abandon, neglect or refuse to aid in the support of their families, and who may be complained of by their families; or persons who stroll idly about the streets of towns or cities, having no local habitation, and no honest business or employment, each and all of the above and aforesaid classes be, and they are hereby declared vagrants, coming with the meaning of this Act.

Sec. 2. The County Courts, Justices of the Peace, and Mayors or Recorders of incorporated towns and cities, shall have power to order the arrest of vagrants, and to try the offence provided for by this Act.

Sec. 3. A peace officer shall arrest a vagrant, and bring him or her before the Court or magistrate issuing the warrant, as herein provided for; and, if no peace officer can be conveniently procured, the warrant may be directed to any private person, who shall execute and return the warrant according to law.

Sec. 4. When a person arrested is brought before a court or magistrate, it shall be the duty of such court or magistrate to proceed to ascertain, by evidence, whether or not the accused is a vagrant within the meaning of this Act; and, if found guilty, he shall be fined in any sum not more than ten dollars.

Sec. 5. The accused shall, in every instance, if he demand it, be entitled to the right of trial by jury.

Sec. 6. In cases of conviction, the defendant shall not be released from custody until the fine and costs are paid; which, if not done within a reasonable time, to be judged of by the officer, the accused shall be put at such labor, and in such manner, as the Police Court of the county, or municipal authorities of towns and cities shall provide; and a vagrant who is so put to work, after conviction as aforesaid, shall not be released therefrom, until the fine and costs have been satisfied, at the rate of one dollar per day.

Sec. 8. A warrant may issue for the arrest of vagrants by the Judge of the County Court, or by a magistrate, and mayor or recorder, of their own motion, or on complaint, in writing, by some credible person, charging the offence.

Sec. 8. The Police Courts of the respective counties, and the municipal authorities of towns and cities, shall, at stated periods, make regulations prescribing the kind of work at which vagrants are to be employed. And should any vagrant refuse to work, after conviction and failure to pay fine and costs, he or she shall be lodged in jail, and placed in close confinement, on bread and water, until he or she may consent to work; and the period spent in jail shall not be computed in estimating the time for satisfying the fine and costs.

Sec. 9. Youthful and juvenile vagrants shall be sent before the Police Court, to be bound out, under the Act regulating Apprentices; Provided, that the fines and penalties prescribed in this Act shall conform to the provisions of the Criminal Code in relation to the same offences.

Sec. 10. All laws and parts of laws, in conflict with the provisions of this Act be, and the same are hereby repealed.

Approved November 8th, 1866.

CHAPTER CXII.

An Act to amend Article 507, Chapter 4, of an Act entitled an Act to adopt and establish a Code of Criminal Procedure, Approved August 26, 1856.

Section 1. Be it enacted by the Legislature of the State of Texas, That Article 507, Chapter 4, of an Act to establish a Code of Criminal Procedure, approved August 26, 1856, be and the same is hereby so amended as to hereafter read as follows, to-wit: "Article 507. If an exception to an indictment, or information is taken and sustained, upon the ground that there is no offence against the law charged therein, the defendant shall be discharged, unless an affidavit be filed, accusing him of the commission of an offence punishable by law.

Sec. 2. That this Act take effect from its passage.

Approved November 8, 1866.

CHAPTER CXIII.

An Act to Provide for the Public Printing.

Section 1. Be it enacted by the Legislature of the State of Texas, That there shall be elected by joint vote of the two Houses of the Legislature, at its present session, and at each and every regular session hereafter, within the first two weeks of said session, some suitable person or persons to print the Laws and Journals of each House, which copies of the Laws and Journals, except the official names and titles, made out aforesaid, shall contain all the words and figures written in or on each Law and Resolution, as the same shall appear when received into his office, and to do such other public printing as by law may be required.

Sec. 2. There shall be printed five thousand copies of the Laws of a general nature, and eight hundred copies of the Special Laws, including all acts for private relief, all acts incorporating towns and cities, all of a personal nature, and all acts incorporating private associations, of every description, that may be passed at each session of the Legislature, and five hundred copies of the Journals of each House of the Legislature. There shall be printed, under the supervision of the Secretary of State, eight hundred copies of the biennial reports of the Comptroller of Public Accounts, Treasurer, Commissioner of the General Land Office, Superintendent and Financial Agent of the Penitentiary, Superintendent of the Lunatic Asylum, of the Asylums of the Blind and Deaf and Dumb, and the reports of all other officers who are required to report to the Governor, or the Legislature, whose reports contain statistical information, three hundred copies of which shall be delivered by the Secretary of State to the two Houses of the Legislature, for their use, at as early a day as practicable after they are printed, and the remaining five hundred copies shall be stitched together, by the Public Printer, as an appendix to the Journals of the House of Representatives, and delivered to the Secretary of State Provided; that this requirement shall not apply to the printing of the present Legislature. There shall be printed such number of copies of the Messages of the Governor, and other documents, as the Legislature or either House may order; Provided, however, that when the Governor's messages are printed, five hundred copies thereof shall be reserved by the Printer aforesaid, which shall be attached to said appendix: other matter than that enumerated may be attached to said appendix, as the Legislature may

order." The Laws and Journals, and all reports and documents shall be printed on small pica type, to be forty-four lines long, exclusive of the folio, and twenty-seven ems wide, without side notes. The paper shall be white and of uniform color, and of a quality equal to the best upon which the Laws of any session of the Legislature have at any time heretofore been printed, and all of said Laws and Journals, Reports and other documents, shall be neatly folded, stitched and trimmed.

Sec. 3. The person, or persons, who may be elected at the present, or any other session of the Legislature, shall, within five days after he, or they shall be elected, enter into bond, with two or more good sureties, in the sum of ten thousand dollars, payable to the State of Texas, conditioned that he or they will faithfully perform the duties incumbent on him, or them, as public printer, or printers, for the State of Texas; which bond shall be approved by the Governor, and filed in the office of the Secretary of State. On breach of said bond, the same may be put in a suit upon the order of the Governor, which suit may be brought in the county in which the seat of Government may be located; and said bond shall not become void on the first recovery, but suit may be maintained thereon until the whole amount thereof be recovered.

Sec. 4. The Secretary of the Senate and Chief Clerk of the House of Representatives shall cause the Journals of their respective Houses to be furnished to the Public Printer, from day to day, after they shall have been adopted, for the purpose of being printed; and when printed, the manuscript Journals shall be returned and filed with the archives of the Legislature; and the said Secretary and Chief Clerk, respectively, shall furnish to the said Public Printer, a comprehensive Index of the same, which shall be printed at the end of the respective Journal, and charged at like rates.

Sec. 5. It shall be the duty of the Secretary of State to cause copies of all Laws and Resolutions to be furnished to the Public Printer, as early as possible after they severally shall have been approved or passed. He shall also furnish to said Public Printer a comprehensive Index of the said Laws, which shall be printed in like type and style to the Index of the General Laws of the Ninth Legislature.

Sec. 6. The whole number of Laws and Journals, Reports of public Officers and Institutions, and other public documents authorized to be printed, shall be delivered at the office of the Secretary of State, except such printing as may be ordered by the two Houses of the Legislature, or either of them, for their

use, which shall be delivered to such person as they, or either of them may direct; Provided, the same is delivered during the session of the Legislature.

Sec. 7. The Laws and Journals shall be delivered within sixty days after the last copy shall have been furnished to the Public Printer; the Reports of Public Officers, Institutions, and other documents, shall be required to be delivered to the Governor, by the respective officers making the same, in sufficient time to be furnished to the Public Printer one month before the meeting of the Legislature, and if so furnished to said Printer, shall be delivered by him to the Secretary of State, within the first week of said session, and if furnished less than one month before the meeting of the Legislature, or after, the same shall be delivered by said Public Printer to the Secretary of State, within one month after they are so furnished. The Secretary of State shall certify that the Laws thus published are true copies of the originals in his office, and also certify the date upon which the Legislature adjourned, which shall be appended to and printed at the end of each volume. He shall also superintend the printing of the same, and shall read and correct the proof; Provided, however, that this act shall not dispense with the duty of the Public Printer of furnishing some competent person, or persons also, to read and correct the proof; and provided further, that should the said Laws be printed at any point away from the seat of Government, the actual expenses of the Secretary of State, while supervising the publication of the same, shall be paid out of the appropriation for printing.

Sec. 8. The rates of the public printing, provided for in this act, shall be as follows, until changed by law, viz:

For printing the Laws of a general nature, including the Index, one-fifth of a cent per page.

For printing the Special Laws, including the Index, one-third of a cent per page.

For printing five hundred copies of the Journals of each House, one-third of a cent per page, and for printing any number over this amount which may be ordered, one-fourth of a cent per page.

For printing five hundred copies of the Governor's Message, Reports, or other documents provided by law, or ordered by the Legislature, or either House thereof, one-third of a cent per page, and for any number of additional copies of the same, one-fourth of a cent per page.

For printing two hundred copies of Bills, Resolutions or Memorials, printed in pica type, the lines numbered on the

margin, with space between the lines of the size of pica, on foolscap paper, with four pages to a sheet, the sum of three dollars and fifty cents per page, for the number of pages in one copy thereof.

For printing Executive Proclamations, Advertisements and like documents, seventy-five cents per square of ten lines for the first insertion, and thirty-seven and one-half cents per square for each subsequent insertion, that may be ordered, and such publications shall not be inserted in any larger type than bourgeois, and each square shall contain not less than two hundred ems; Provided, that fractional parts of a square may be charged at like rates.

Sec. 9. When Proclamations, Advertisements, and like printing are authorized, or required by law to be executed, for the Executive or other Departments of the Government, in more newspapers than one, they shall be printed under like rules, and the same price shall be allowed and paid, as is established in this Act for the Public Printer; Provided, that Proclamations for elections, amendments to the Constitution, and the like printing, shall not be printed in more than two newspapers in each Congressional District, and shall not be inserted for a longer period than four weeks.

Sec. 10. The accounts of the Public Printer shall be approved by the Secretary of State for all work that is required to be delivered to him, and the Printing Committees of the respective Houses of the Legislature, as to all work ordered by said Houses, shall certify to the Comptroller of Public Accounts the quantity of each item of printing they may have so ordered, and shall also certify the number of copies of the same they may have received, and the Comptroller shall thereupon authorize the payment of the account for said printing, in accordance with the Laws in force governing the price thereof.

Sec. 11. Rule and figure work may be paid for at double the price per page of other printing; Provided, however, only the actual number of lines printed shall be counted in making the estimate of the number of pages of such work.

Sec. 12. The prices in this Act named shall be considered as in gold and silver, and in case the same is paid in currency, the Comptroller shall draw his warrant in currency at the actual price it bears to gold and silver in the market; Provided, however, that in no case shall currency be paid out at more than one hundred and fifty cents for the dollar in gold and silver.

Sec. 13. That the heads of all the Departments of the Government, to which a printing, or contingent fund is appropriated,

shall have power to make such contracts as they think proper, for their job, and other printing, which shall be procured by them at the cheapest rate that can be had for good work; Provided, however, they shall be authorized to have like printing as is enumerated in this act, done by the public Printer, at the same rates as is herein stipulated.

Sec. 14. There shall be printed five thousand copies of the Amended Constitution and Ordinances, and of the Proclamation of the Governor declaring the ratification of said amendments, which shall be attached to, and form part of the volume of the General Laws of the 11th Legislature, and the printing of the same shall be done in all things, as provided in the contract concluded by the Printing Committees of the two Houses of the present Legislature.

Sec. 15. That all Laws and parts of Laws contravening the provisions of this, be, and the same are hereby repealed; and this Act shall be in force from and after its passage.

Approved November 8, 1866.

CHAPTER CXIV.

An Act to establish a Criminal Court in the city of San Antonio.

Section 1. Be it enacted by the Legislature of the State of Texas, That there shall be established in the city of San Antonio a Criminal Court, to be styled "The Criminal Court of the City of San Antonio."

Sec. 2. That the said Court shall have general and concurrent jurisdiction with the District Court of Bexar county in all criminal cases, coextensive with the limits of Bexar county.

Sec. 3. That all laws and rules of evidence pertaining to the District Court in criminal matters, be and the same are hereby made applicable to this Court.

Sec. 4. That there shall be elected by the qualified electors of Bexar county, on the first Monday in August, A. D., 1867, and every four years thereafter, a Judge for the said Court, and returns made as in other elections for county officers, and he may be removed from office in the same manner as District Judges.

Sec. 5. That the salary of the Judge shall be twelve hundred dollars per annum, to be paid quarterly from the treasury of the county, but that nothing in this act shall be so construed as to prevent the said judge from practicing as an Attorney and Counsellor at Law, in civil cases, in any of the courts of the State.

Sec. 6. That the terms of the Court shall be held on the first Monday in January, April, July and October of each year, and continue until business is disposed of, and all laws pertaining to the impanelling of jurors, either grand or petit, in District Courts, shall be applicable in this Court.

Sec. 7. That it is made the duty of the County Attorney of Bexar county to discharge the duty of Prosecuting Attorney in behalf of the State in this county, and his duties and fees shall be the same as those of the District Attorney in like cases.

Sec. 8. That the Court herein established is declared a court of record, and the Clerk of the District Court of Bexar county shall be ex-officio Clerk of this Court, and shall, at the expense of the county of Bexar, procure a suitable seal for said court, inscribed "Criminal Court of San Antonio," and shall use the same in authentication of all his acts, and his duties and compensation shall be the same as those of the District Court in like cases.

Sec. 9. That appeals and writs of error may be prosecuted from this court to the Supreme Court of the State, in the same manner and form as from the District Court in like cases.

Sec. 10. That this Act take effect and be in force from and after its passage.

Approved November 8, 1866.

CHAPTER CXV.

An Act to authorize and require the District Clerk of Shelby County to transcribe certain records belonging to his office.

Section 1. Be it enacted by the Legislature of the State of Texas, That the District Clerk of Shelby county be, and he is hereby authorized and required to transcribe Execution Docket "B," and to add thereto such parts of the Execution Docket of 1845, belonging to his office, as he may deem necessary, and

that he shall receive as a compensation therefor such sum as the County Court may direct, not to exceed fifteen cents per hundred words, to be paid out of the county treasury, and that the said records, so transcribed, shall be deemed as valid in law as the originals.

Sec. 2. That this Act take effect and be in force from and after its passage.

Approved November 9, 1866.

CHAPTER CXVI.

An Act to prescribe the time of the Biennial meeting of the Legislature.

Section 1. Be it enacted by the Legislature of the State of Texas, That the act of February 18th, 1848, which provides that the Legislature of the State of Texas shall meet at the seat of Government thereof, and begin their next biennial session on the first Monday of November, A. D., 1849, and biennially thereafter on the same day, be and the same is hereby repealed.

Sec. 2. The next regular biennial session of the Legislature of the State of Texas shall begin on the first Monday in October, A. D., 1868, at the seat of government thereof, and biennially thereafter on the same day until otherwise prescribed by law.

Sec. 3. This Act shall take effect from and after its passage.

Approved November 9, 1866.

CHAPTER CXVII.

An Act making appropriations for the support of the State Government from 13th August to 31st December, 1866.

Section 1. Be it enacted by the Legislature of the State of Texas, That the following amounts in currency are hereby appropriated, out of any money in the Treasury not otherwise

appropriated, for the support of the Civil Government from the 13th August to 31st December, 1866:

Legislative.

	Dollars	Cts	Dollars	Cts
For per diem and mileage of members, and per diem of officers of the Eleventh Leg- islature			52,000	00

Judiciary—Supreme Court.

For salary of five Judges Supreme Court at \$4,500 per annum, each.....	8,625	00		
For contingent expenses of Supreme Court	200	00		
For Clerk' fees in felony cases.....	150	00		
For books and stationery.....	500	00		
For pay of Sheriffs.....	240	00		
For porter hire and wood.....	150	00	9,865	00

District Courts.

For salaries of twenty District Judges at \$3,500 per annum, each.....	26,845	00		
For salaries of twenty District Attorneys at \$1,000 per annum, each.....	7,675	00		
For costs due Clerks, Sheriffs and Attor- neys	4,000	00	38,520	00

Attorney General's Office.

For salary of Attorney General at \$3,000 per annum	1,200	00		
For Attorney General's fees in felony cases	200	00		
For office rent	72	25		
For books and stationery	98	00		
For postage	60	00		
For porter hire and wood.....	60	00	1,690	25

Executive—Executive Department.

	Dollars Cts	Dollars Cts
For salary of Governor at \$4,000 per annum	1,533 33	
For salary of Private Secretary at \$1,200 per annum	657 14	
For contingent expenses	208 00	
For recovering fugitives from justice....	1,050 00	
For publishing proclamations	500 00	
For repairing windows at executive office.	150 00	
For fire-wood	60 00	
For telegraphing	500 00	
For stationery and postage	150 00	4,808 47

State Department.

For salary of Secretary of State at \$1,800 per annum	985 71	
For salary of Chief Clerk at \$1,400 per annum	766 57	
For salary of Assistant Clerk at \$1,000 per annum	547 42	
For extra clerk hire	250 00	
For contingent expenses	150 00	
For repairs of windows	150 00	
For printing	400 00	
For books and stationery	150 00	
For postage and express matter.....	400 00	
For fire-wood	60 00	
For repairs and fitting up Library room...	250 00	4,109 70

Comptroller's Office.

For salary of Comptroller at \$1,800 per annum	985 71
For salary of Chief Clerk at \$1,400 per annum	766 57
For salary of Book-keeper at \$1,200 per annum	657 14

	Dollars Cts	Dollars Cts
For salary of Tax Clerk at \$1,200 per annum	657 14	
For salary of Civil Accountant at \$1,200 per annum	657 14	
For salary of Military Accountant at \$1,200 per annum	657 14	
For salary of seven Assistant Clerks at \$900 per annum, each.....	3,425 00	
For contingent expenses	150 00	
For books and stationery	300 00	
For paper	1,000 00	
For printing	1,500 00	
For postage	150 00	
For fire-wood for Treasury building....	250 00	
For assessment rolls, ruling and printing paper, for	750 00	11,905 84

Treasurer's Office.

For salary of Treasurer at \$1,800 per annum	985 71	
For salary of Chief Clerk at \$1,400 per annum	766 57	
For contingent expenses	150 00	
For books and stationery	375 00	
For postage	50 00	
For an iron safe	600 00	2,927 28

General Land Office.

For salary of Commissioner at \$2,000 per annum	1,087 41	
For salary of Chief Clerk at \$1,400 per annum	766 57	
For salary of Translator at \$1,200 per annum	657 14	
For salary of Receiver at \$1,200 per annum	657 14	
For salary of File and Application Clerk at \$1,200 per annum.....	657 14	

	Dollars Cts	Dollars Cts
For salary of Registering Clerk at \$1,200 per annum	657 14	
For salary of six Assistant Clerks at \$900 per annum	2,935 71	
For salary of Chief Draftsman at \$1,200 per annum	657 14	
For salary of three Assistant Draftsmen at \$1,100 per annum, each.....	1,794 38	
For salary of three 2d Assistant Draftsmen at \$1,000 per annum, each.....	1,630 85	
For contingent expenses	150 00	
For stationery	300 00	
For postage	150 00	
For printing	100 00	
For porter hire and wood	350 00	
For repairs on General Land Office, furniture and matting for floors.....	600 00	13,150 62

Asylums.

For the support of the Lunatic Asylum..	12,000 00	
For the support of the Deaf and Dumb Asylum	3,500 00	
For the support of the Blind Asylum....	1,000 00	16,500 00

Pensions.

For Juan Navarro Alsbury.....	150 00
For W. H. Anderson	150 00
For Thomas Barnett	150 00
For David Cole	150 00
For Dillard Cooper	150 00
For J. M. Day	150 00
For Rolla M. Davis	150 00
For Joseph E. Field	300 00
For Thomas Norris	150 00
For James W. Nichols	150 00
For Cynthia Ann Parker	50 00
For Charles Shepherd	187 50

	Dollars Cts	Dollars Cts
For H. M. Smith	375 00	
For John S. Stump	300 00	
For J. B. Thacker	150 00	
For David F. Webb	150 00	
For Charles Larbaetrier	150 00	3,012 50

Miscellaneous.

For repairs on Treasury building.....	300 00	
For porter hire for Executive Office, State Department and Treasury building, to be employed by officers thereof.....	500 00	
For enrolling paper furnished the Legis- lature by the Secretary of State, and freight on same.....	87 00	
For obtaining copy of will of George Gis- borne Simcox from England, and other expenses relative thereto	100 00	
For pay of Charles Rossignol for the pre- servation of library, books and papers of Supreme Court at Galveston subse- quent to Sept. 5, 1865.....	400 00	
For distribution of Laws, Journals and other documents which may be distrib- uted by mail	2,500 00	
For deficiency in appropriation for Ex- ecutive Mansion, repairing building and improving grounds	2,000 00	
For pay of James F. Johnson for services rendered under appointment of the Gov- ernor, in the office of Supreme Court Clerk at Austin, one and a half months at \$75 00	112 50	
For salary of Financial Agent of the Peni- tentiary	815 47	
For payment of interest on 8 per cent. State bonds to January 1st 1867, \$18,240 00 specie	26,057 14	32,872 11
		191,461 77

Sec. 2. That this Act take effect from its passage.

Approved November 9, 1866.

CHAPTER CXVIII.

An Act to provide means for defence of the Frontier.

Section 1. Be it enacted by the Legislature of the State of Texas, That in the event the Governor shall find it necessary to call out the three battalions of mounted troops authorized to be raised by the present Legislature, or any part thereof, for the protection of the frontier, for the purpose of providing the means necessary for the payment of the troops, and the purchase of forage and subsistence therefor, the Governor be, and he is hereby authorized to issue the bonds of the State of Texas, to draw interest at the rate of eight per cent. per annum, to the amount of five hundred thousand dollars, or as much thereof as may be necessary; said bonds shall be issued in denominations of one hundred dollars, and shall be redeemable, at any time, at the office of the State Treasurer, when provision therefor shall be made.

Sec. 2. That said bonds may be used by the Governor in the purchase of supplies of all kinds, forage and subsistence for the troops called into service for the protection of the frontier, and for the payment of said troops; and the Governor may, in his discretion, sell said bonds at a minimum price of not less than eighty cents on the dollar, for the purpose of raising money with which to purchase supplies for and the payment of any troops ordered into service for the protection of the frontier.

Sec. 3. That all liabilities created or incurred against the State for and on account of said frontier protection, of less sums than one hundred dollars, shall be audited by the Auditorial Board, and, when allowed, certificates of debt shall be issued therefor, and shall bear interest in like manner as the bonds herein provided for.

Sec. 4. To provide for the payment of interest on the bonds and certificates of debt which may be issued, paid out, sold or negotiated, as herein provided. it shall be the duty of the Governor, Comptroller and Treasurer, to set apart, annually, such portion of the State revenue as may be necessary, not to exceed two per cent., for the payment of the interest which may accrue upon said bonds and certificates; and the bonds or certificates

issued as herein provided, shall be receivable in payment of fifty per cent. upon any land dues, except University lands. Upon the payment of any bond or certificate into the General Land Office, if there shall be any balance due to the party so paying in the same, it shall be the duty of the Commissioner of the General Land Office to give to the party so paying a certificate, stating the denomination and number of the bond or certificate so paid in, and the date thereof, and the balance due the party; and, upon the presentation of said certificate, it shall be the duty of the Auditorial Board to issue a certificate of debt for the amount of said balance stated in said certificate of the Commissioner. And that this Act take effect from its passage.

Approved November 9, 1866.

CHAPTER CXIX.

An Act to prevent judgments from becoming dormant, and to create and preserve judgment liens.

Section 1. Be it enacted by the Legislature of the State of Texas. That whenever final judgments shall be rendered by any Court of Record of this State, such judgment shall be a lien on all the real estate of the judgment debtor, situate in the county where the judgment is rendered, from the date of the judgment; and shall be a lien upon all the real estate of the judgment debtor situate in any other county of this State from the time when the transcript of such judgment shall be filed for record in such other county, as provided in the second section of this act; Provided, that said lien shall cease and become inoperative, if execution be not issued upon such judgment within one year from the first day upon which such execution can by law be issued thereon.

Sec. 2. Any person or persons who have heretofore, or who may hereafter obtain a final judgment in a court of record, may obtain from the Clerk of the Court in which the same was rendered, a transcript thereof, duly certified by the Clerk, under the seal of the Court, and may cause the same to be recorded in the office of the County Clerk of any other county or counties in this State, in the book used for the registration of mortgages, and the County Clerk shall make an alphabetical index of all transcripts so recorded by him, as in the case of deeds, and other instruments in writing, required by law to be recorded.

Sec. 3. No judgment of a Court of Record shall become dormant unless ten years shall have elapsed between the issuance of executions thereon.

Sec. 4. An Act to prevent judgments from becoming dormant and to create and preserve judgment liens, approved February 14th, 1850, and all Acts and parts of Acts contravening the provisions of this Act are hereby repealed; provided, however, that no lien upon land that has been created by judgment, under any former law, shall be effected, or the rights of the parties under such lien in any way impaired, by the repeal of such law. This Act shall take effect and be in force from and after its passage.

Approved November 9th, 1866.

CHAPTER CXX.

An Act to provide for the employment of Convicts for petty offences.

Section 1. Be it enacted by the Legislature of the State of Texas, That whenever any person is hereafter convicted of a misdemeanor or petty offence, and as a punishment therefor, is sentenced to be imprisoned in the County Jail of any county, it shall be lawful for the Police Court of the county to employ such convict to labor upon the public buildings or other public works of the county, or upon the public roads of the county, during the whole term of his imprisonment, or any part thereof: and they are further authorized to employ or let the labor of such convicts for hire, to work at any mechanical or other employment, under such rules and regulations as may be prescribed by said Police Court.

Sec. 2. Said Police Court is also authorized to employ, in like manner, the labor of all convicts who may be under sentence of imprisonment for the non-payment of a fine imposed by any Court of this State, for the commission of a misdemeanor or petty offence, in which case the convict shall receive a credit of one dollar for each days' work done by him, and when the whole fine and costs are thus paid by him he shall be discharged from imprisonment, unless he is held for some other legal cause; and all persons arrested and confined in jail on any criminal charge or complaint of a misdemeanor or petty offence, may be employed by order of such Police Courts, in like manner, from the

time of imprisonment until the time of trial, and if upon trial, such person shall be acquitted and discharged, he shall be paid not less than twenty-five cents nor more than one dollar, in the discretion of said Court, for each days' work; provided, that before trial and conviction no person shall be held to labor by order of said Court, without his consent.

Sec. 3. All money which may be realized under the provisions of this Act, shall be paid into the County Treasury, and may be appropriated for the benefit of the county, in such manner as the Police Court may direct.

Sec. 4. That this Act take effect and be in force from and after its passage.

Approved November 9, 1866.

CHAPTER CXXI.

An Act supplementary to and amendatory of an Act entitled "An Act regulating sequestrations," approved March 15th, 1848.

Section 1. Be it enacted by the Legislature of the State of Texas, That the first section of "An Act regulating sequestration," approved March 15th, 1848, is hereby amended, so that the same shall hereafter read as follows, to-wit:

"Section 1. Judges and Clerks of the District Courts, and Judges and Clerks of the County Courts, and Justices of the Peace, shall, at the commencement or during the progress of any civil suit, before final judgment, have power to issue writs of sequestration, returnable to their respective Courts, in the following cases, verified by the affidavit of the party applying for the writ: First, When a married woman sues for a divorce, and makes oath that she fears her husband will waste her separate property, or their common property, or the fruits or the revenue produced by either, or that he will sell or otherwise dispose of the same, so as to defraud her of her just rights, or remove the same out of the limits of the county, during the pendency of the suit. Second, When a person sues for the title or possession of an animal, or other personal property, or chattels of any description, and makes oath that he fears that the defendant, or person in possession thereof, will injure or ill treat such animal, or waste such personal property or chattels, or destroy the same, or remove the same out of the limits of the county during the pendency

of the suit. Third, When a person sues for the foreclosure of a mortgage, or the enforcement of a lien upon an animal, or personal property of any description, and makes oath that he fears the defendant, or person in possession thereof, will injure or ill treat such animal, or waste or destroy such personal property, or remove such animal or personal property out of the county. Fourth, When any person sues for the title or possession of real property, and makes oath that he fears the defendant, or person in possession thereof, will make use of his possession to injure such property, or waste the fruits and revenue produced by the same, or convert them to his own use. Fifth, When any person sues for the title or possession of any property from which he has been ejected by force or violence; when any person sues for the foreclosure of a mortgage, or the enforcement of a lien upon land or real estate, and makes oath that he fears the defendant, or person in possession thereof, will make use of such possession to injure such property, or waste the timber thereof, or waste the rents, fruits and revenues thereof, or convert the same to his own use, and shall make oath of such facts."

Sec. 2. That the fifth section of said Act is hereby amended so that the same shall hereafter read as follows, to-wit:

"Sec. 5. When any property sequestered on the oath of the plaintiff, his agent or attorney, be certified to any Judge or Justice of the Peace, to whose Court the sequestration is returnable, to be likely to be wasted, destroyed, or depreciated in value by keeping, and the defendant in such sequestration, his agent or attorney, shall not, within ten days after the levy, replevy the property sequestered, then such property shall, by order of the Judge or Justice of the Peace, be sold, at public sale, by the officer who levied the writ, in the same manner as sales by execution; and the officer shall, within five days after such sale, return the order of sale to the Court or Justice of the Peace to which the sequestration is returnable, with his proceedings thereon; and also, at the time of making such return, shall pay over into the hands of the Clerk or Justice of the Peace all monies arising from such sale."

Sec. 3. That the seventh section of said Act be amended to read as follows:

"Sec. 7. The Sheriff, or other officer, while he retains custody of the sequestered property, shall take care of and manage the same in a prudent manner; if he confides the same to the custody of other persons, he shall be responsible for their acts, and shall be responsible to the party injured for any neglect or

mismanagement by himself or by those to whom he has confided the custody or management of the property; and he shall be entitled to receive a just compensation, and all reasonable charges therefor, to be determined by the Judge or Justice from whose Court the writ issued, to be taxed in the bill of costs against the party cast in the suit; Provided, That, if the officer be compelled to expend any sum of money in the security, care or management of the property, he shall retain possession of the same until said money be refunded by the party offering to replevy, his agent or attorney; Provided, That, if the defendant do not replevy the property sequestered within ten days, if present in the county, in person, or by his agent or attorney, or within twenty days, if absent from the county, the Sheriff or other officer shall deliver the property to the plaintiff, upon his giving bond, payable to the Sheriff or other officer, in a sum at least double the value of the property sequestered, with two or more good and sufficient sureties, to be approved by the officer, conditioned that the property shall be forthcoming to abide the decision of the Court, which bond, if forfeited, or if the suit be against the plaintiff, shall have the force and effect of a judgment."

Sec. 4. That the eighth section of said Act read as follows, to-wit:

"Sec. 8. No writ of sequestration shall be issued by any Judge or Clerk of the District or County Court unless a petition shall have been first filed in the office of such Clerk, which writ may be issued to the Sheriff of any county in this State wherein the property is alleged to be situated, and which allegations may be made either in the original or in a supplemental petition."

Sec. 5. That all laws and parts of laws in conflict with the provisions of this Act, be, and the same are hereby repealed.

Sec. 6. That this Act take effect and be in force from and after its passage.

Approved November 9, 1866.

CHAPTER CXXII.

An Act to ascertain the amount of, and adjusting and funding the State Debt, and to state any and all accounts between the State and Individuals.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Comptroller and Treasurer of the State shall

constitute an Auditorial Board, for the purpose of auditing all claims for money against the State, and reauditing all of the audited liabilities of the State not inhibited by the Constitution; and all differences of opinion between its members shall be decided by the Governor.

Sec. 2. That immediately after the passage of this Act, said Board shall give notice, by three months' publication, in at least eight of the principal newspapers of the State, to the effect that all classes and every description of claim against the State must be presented and submitted to the action of this Board within twelve months from the date of said publication, or be forever barred; Provided, That the requirements of this Act shall be given in the notice required by this section.

Sec. 3. That said Board shall hold its meetings from day to day, according to demands of their official business. The Comptroller and Treasurer shall engage such portion of the clerical force of their respective offices in conducting the business of the Board as shall be necessary, and may employ one additional clerk for the business before the Board, to be paid as an assistant clerk.

Sec. 4. That the Board shall keep a register of all claims presented, showing the amount, character, and ownership of each claim in the aggregate; and all claims registered shall be endorsed in red ink, and if not approved returned to the owner; and all claims approved shall be canceled, and certificates of debt be given in exchange therefor—said certificates to be of the denomination of 100's, and separate certificates shall be issued for any fractional amount less than 100.

Sec. 5. That the Governor shall have prepared, as soon as possible, a suitable amount of six per cent. coupon bonds of this State, payable in ten years, or sooner, at the pleasure of the government, and interest payable semi-annually at the Treasury; said bonds shall be signed by the Governor, and countersigned by the Treasurer, and registered by the Comptroller, and shall be of the denomination of 100, and regularly deposited in the Treasury, as a special deposit, by the Governor, upon the warrant of the Comptroller, but shall be issued in exchange for the debt certificates provided for in this Act, upon the warrant of the Comptroller accompanying the debt certificates, as a voucher.

Sec. 6. That the said Board shall hear and determine all claims according to a fair and just interpretation of the laws of the State, invoking the general counsel of the Governor and the legal opinions of the Attorney General; and said additional (Auditorial) Board shall be authorized to state any and all ac-

counts between the State and individuals, which may be presented for their action, upon principles of equity; Provided, Nothing herein shall authorize the issuance by said Board of certificates of indebtedness for any balance which may be found, upon such settlement, in favor of any individual, accruing since the second day of March, 1861, and prior to the sixth day of September, 1865. Said Board shall make to each regular session of the Legislature a detailed report of their action.

Sec. 7. That it shall be the duty of the Attorney General to furnish said Board a written opinion, specifying what class or classes of claims are a subsisting liability against the State.

Sec. 8. That any person who may have lost a valid ten per cent. warrant shall be entitled to apply to the Auditorial Board and have the claim audited in favor of the rightful owner thereof, by complying with the following requirements, viz: He shall first make, or cause publication to be made, for sixty days, in at least one newspaper, published at the nearest place where he resides, which publication shall describe, as correctly as possible, the warrant lost, and shall give notice that, unless intelligence of it is received at the Comptroller's office, within three months from the date of publication, he will apply to have the claim to said warrant audited.

Sec. 9. That when any person shall apply for a warrant so lost, he shall be required to prove, by a copy of the advertisement, with the printer's affidavit attached thereto, that it was published, for at least sixty days, in said paper, and shall make oath that he is the just owner of the claim, and that he has never sold or transferred the same in any manner, that it has been lost, and since lost, he has neither known or heard of the same. He shall, also, execute a bond, payable to the State of Texas, with at least two good securities, to be approved by the Board, binding the parties to pay to the State the full amount of said claim, with interest thereon at the rate of ten per centum per annum, in the event the original shall ever be presented for payment in favor of a valid claimant; and suit may be instituted on said bond in the District Court of Travis county.

Sec. 10. That the sum of ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated for the purpose of procuring blank bonds, certificates of debt, paying clerk's salary, and other expenses, incidental and contingent, accruing under this Act; and this Act shall be in force from its passage.

Approved November 9, 1866.

CHAPTER CXXIII.

An Act setting apart a portion of the Public Grounds for the use of the United States Military as a Cemetery.

Section 1. Be it enacted by the Legislature of the State of Texas, That one acre of ground, to be laid off in a square, be laid off out of the north-east corner of the State Cemetery lot, by lines run at a right angle with the east and north lines of said lot, from points, and said lines equidistant from the north-east corner of said lot, and set apart to be used exclusively as a Cemetery for the United States military forces: and that this Act take effect from its passage.

Approved November 9, 1866.

CHAPTER CXXIV.

An Act to amend an Act concerning proceedings in the District Courts, approved March 16th, 1818.

Section 1. Be it enacted by the Legislature of the State of Texas, That the fourteenth section of an Act entitled "An Act concerning proceedings in the District Court," passed March 16th, 1818, be, and the same is hereby amended so as to read as follows: When any property, of any kind, in this State, may have been granted, or may have accrued to the heirs as such of any deceased person, any person having a claim against them relative to such property, if their names be unknown to him, may bring his action against them, their heirs or legal representatives, as the heirs of their ancestor, describing them by his name: and if the plaintiff, his agent or attorney, shall, at the time of instituting his suit, or at any time during the progress thereof, make affidavit that the names of the heirs, their successors or legal representatives, or names of the heirs, successors, or legal representatives of any deceased person, party to such suit, are unknown to him, the Clerk of the Court shall issue a like writ, directed to the proper officer, commanding him to summon such heirs, successors or legal representatives, whose names are unknown, giving the name of their ancestor, by making publication of the citation in some newspaper published in the county where the writ issued, if there be one so published, but if not, then in a newspaper of the nearest county in which one is published, for eight

weeks previous to the return day of such process; when such notice is given, and no appearance is entered within the time allowed for pleading, the Court shall appoint an attorney to defend in behalf of such heirs, successors and legal representatives, and proceed as in other cases; and the Court shall allow such attorney a reasonable compensation for his services, and enter judgment therefor, as in other cases, which judgment shall be a lien on the property in controversy.

Sec. 2. That this Act take effect and be in force from its passage.

Approved November 9, 1866.

CHAPTER CXXV.

An Act regulating the Collection of Debts.

Section 1. Be it enacted by the Legislature of the State of Texas, That on all judgments, rendered prior to the first day of January, 1867, the judgment debtor shall have twelve months thereafter within which to pay to the plaintiff, his agent or attorney, one-fourth part of said judgment, and all costs; and that no execution shall issue thereon, until the expiration of the time aforesaid, except in like cases, and under like circumstances, authorizing the issuance of attachments, in which case execution may issue for the entire amount of such judgment. If within the time aforesaid, the said debtor shall pay, or cause to be paid, the said one-fourth part of such judgment and all costs, then the said debtor shall have twenty-four months from the said first day of January, 1867, within which to pay one-third part of the remainder of said judgment, and that execution shall not issue thereon until the expiration of the time aforesaid, except in like cases and under like circumstances, authorizing the issuance of attachments. If within the time aforesaid, the said debtor shall pay or cause to be paid, the two installments above specified, then execution shall not issue on such judgment until thirty-six months from the said first day of January, 1867; and that if the said debtor shall pay, or cause to be paid, within the time aforesaid, one-half of the remainder due on such judgment, then execution shall not issue thereon, until forty-eight months from the said first day of January, 1867, except in like cases and under like circumstances, as above specified: provided, that if payment shall not be made within the time above specified, and

in default of said debtor to make payment of any one of said installments, then execution shall issue for the amount of the installment due, as aforesaid, and all costs.

Provided further, That the provisions of this Act in relation to the issuance of attachments, shall not be so construed as to subject the produce of the debtor's farm to attachment, on being removed to market.

And provided further, That the provisions of this section shall not apply to judgments rendered foreclosing mortgages or liens upon real or personal estate.

Sec. 2. That on all judgments rendered after the first day of January, A. D., 1867, except such as are herein mentioned, the judgment debtor shall have twelve months from the date of such judgment within which to pay one-third part thereof, and that no execution shall issue thereon until the expiration of the time aforesaid, except in like cases, and under like circumstances, authorizing the issuance of attachments; and except also, in cases of attachment, sequestration or injunction, where property or effects may be in the hands of an officer under process, or restrained in the hands of another, by virtue of process duly issued, or by agreement of parties interested therein, in which case execution may issue for the entire amount of said judgment, or order of sale of such property.

If within the time aforesaid, the said debtor shall pay, or cause to be paid, the said one-third part of such judgment, then the said debtor shall have twenty-four months from the rendition of such judgment, within which to pay one-half of the remainder due thereon, during which time execution shall not issue, except in cases as above provided. If within the time aforesaid, the said debtor shall pay, or cause to be paid, the two installments, as above specified, then the debtor shall have thirty-six months from the rendition of such judgment, within which to pay the entire balance due thereon; and in default of the said debtor to make any one of the payments within the time specified therefor, then execution shall issue for the amount of the installment then due; and further provided, that all judgments hereafter rendered, execution may issue in favor of the officers of Court, for all costs due thereon.

And provided further, that the provisions of this act shall not be so construed as to prohibit sales of real or personal estate, in the settlement of estates of deceased persons, in payment of any mortgage or lien; provided, the county judge shall not confirm any sale unless the property sold, shall have brought at least three-fourths of its actual value.

Sec. 3. That on all judgments heretofore, or hereafter rendered, foreclosing a mortgage, or lien upon real or personal estate, the judgment debtor shall have two years from the first day of January, 1867, on all judgments rendered prior to that time, and on all judgments thereafter rendered, two years from the rendition of such judgment within which to pay two-thirds of such judgment, and if payment thereof be made within the time aforesaid, then execution or order of sale shall not issue until twelve months thereafter, and in case of default to make payment of the said two-thirds of such judgment, within the time above specified for the first installments, then execution and order of sale shall issue for the entire amount of such judgment, interest and costs, due thereon, and sale shall be made, and the proceeds thereof applied to the payment of such judgment liens, or mortgages in the manner now provided by law.

Sec. 4. That in all suits now pending, or hereafter instituted upon accounts, bonds, bills, promissory notes, contract, or other obligation in writing, for the payment of money, made, executed or entered into before the twenty-sixth day of May, 1865, or in the settlement, substitution, liquidation, or discharge of any such accounts, contract or obligation, made or bearing date since the said 26th day of May, 1865, it shall be competent to prove by parol testimony, in all suits, that the same were given or entered into in the settlement, substitution, or liquidation of an account made, or contract entered into, prior to that time, and also the debtor shall, in all cases, be permitted to prove, by parol testimony, that the same were, by the agreement or understanding of the parties, to be paid in Confederate currency, and the value thereof, at the time the same became due and payable.

Sec. 5. That nothing herein shall prohibit the issuance of attachments, as heretofore provided by law; and all causes of action, which have accrued since the 26th day of May, 1865, and which are not in discharge of causes of action, existing prior to that date, shall be subject to, and regulated by the laws in force prior to the second day of March, 1861.

Sec. 6. That it shall not be lawful for any trustee to sell, or cause to be sold (except with the consent of the parties interested,) any property or real estate held in trust to secure the payment of the debt or debts therein specified, within two years from the first day of January, 1867. And, if the debtor therein, shall pay, or cause to be paid, two-thirds of the entire debt or debts secured thereby, within the time aforesaid, then it shall not be lawful for any trustee to sell such trust property until the expiration of twelve months from the time aforesaid. And that if

the said debtor shall make default, and fail to make such payment within the two years from the said first day of January, 1867, then it shall be lawful for said trustee to sell the entire trust property, or sufficient thereof to pay the entire debt or debts, interest and costs, in conformity with the directions and provisions specified in such trust deed.

Sec. 7. That all railroad companies that are owing interest upon their bonds for loan of the common school fund, shall have extension of time for the payment of the interest now due, as follows: The entire amount of interest now due shall be divided into eight equal parts, and paid as follows, in specie: One equal eighth part, due by each company, shall be paid on or before the first day of January next, and one equal eighth part every six months thereafter, until the entire amount shall have been paid; provided, that on failure of any company to pay any one of such installments, as above stipulated, such company shall forfeit the benefits of this act, and the entire amount of interest then due shall be collected as now provided by law.

Sec. 8. That the provisions of the first, second and third sections of this act shall not apply to, and there shall be no stay of execution, upon suits, in behalf of the State of Texas, on official bonds, forfeitures and fines, or to judgments for taxes due the State, or any county, or to suits or judgments for money or property held on deposit or in trust, nor to suits by wards against guardians, nor to suits against administrators, nor to suits for damages done to the property or person of another.

Sec. 9. That this act take effect and be in force from and after its passage.

Approved November 10, 1866.

CHAPTER CXXVI.

An Act supplementary to an Act entitled "An Act to authorize the Governor to appoint an Agent for the Alabama and Co-shattie Indians, and to make an appropriation for the same," approved December 30th, 1861.

Section 1. Be it enacted by the Legislature of the State of Texas, That the agent or agents of said Indians shall hereafter receive an annual salary of one hundred dollars for each tribe that he may be appointed the agent of, and shall, in discharging

the duties of such agency, be subject to such regulations as the Governor may, from time to time, prescribe.

Sec. 2. That said Indians shall be amenable to the laws, and as fully protected by the same as if they were citizens of this State, and may testify orally as witnesses in any case, civil or criminal, involving the right of, injury to, or crime against any of them, in person or property, under the same rules of evidence that may be applicable to the white race.

Sec. 3. The provisions of this Act, and the Act to which this is supplementary, are extended so as to include the Muscogee Indians of said counties; Provided, Nothing herein shall be construed to authorize the appointment of more than three agents.

Sec. 4. The sum of six hundred dollars is hereby appropriated to pay the salary which may become due such agent or agents.

Sec. 5. That this Act take effect from and after its passage.

Approved November 10, 1866.

CHAPTER CXXVII.

An Act regulating appeals from Justices' Courts.

Section 1. Be it enacted by the Legislature of the State of Texas, That any party, his agent or attorney, may appeal from any final judgment in any civil cause rendered by any Justice of the Peace (except in cases of forcible entry and detainer.) to the District Court of the county in which such final judgment shall have been rendered: Provided, he shall, within ten days after the rendition of such judgment, file with such Justice a bond, with one or more good and sufficient sureties, in a sum equal to at least double the amount of such judgment, interest and costs, payable to the appellee, conditioned that the party appealing shall prosecute his appeal to effect, or shall pay and satisfy the judgment or decree that may be rendered by the obligators in such bond.

Sec. 2. That in all cases where an appeal shall be taken from a Justices' Court to the District Court, it shall be the duty of the Justice, from whom such appeal shall be taken, immediately to make out a transcript of all the entries made on his docket, in such case, and file the same, together with all the original papers of the cause, with the Clerk of the District Court, on or

before the first day of the term of such court, next after such appeal was taken; but if there is not time for such transcript and papers to be filed at such first term, then they shall be so filed at the next succeeding term of said court.

Sec. 3. All causes appealed from a Justices' Court shall be tried *de novo*, and such trial shall be final, without appeal to the Supreme Court; but on the trial in the District Court, neither party shall introduce any claim that was not before the Justice on the trial in the court below. And on the call of the appearance docket by the District Judge, if no appearance is entered on the docket for the defendant in the original suit, a judgment final by default shall be entered against him; and if the demand is liquidated and proven by any instrument in writing, the Clerk shall assess damages to the plaintiff; if otherwise, then the damages shall be assessed by a jury.

Sec. 4. All laws, or parts of laws, conflicting with the provisions of this Act, are hereby repealed.

Approved November 10, 1866.

CHAPTER CXXVIII.

An Act to define and declare the rights of persons lately known as Slaves, and Free Persons of Color.

Section 1. Be it enacted by the Legislature of the State of Texas, That all persons heretofore known as slaves, and free persons of color, shall have the right to make and enforce contracts, to sue and be sued, to inherit, purchase, lease, hold, sell, and convey real, personal and mixed estate; to make wills and testaments, and to have and enjoy the rights of personal security, liberty, and private property, and all remedies and proceedings for the protection and enforcement of the same; and there shall be no discrimination against such persons in the administration of the criminal laws of this State.

Sec. 2. That all laws and parts of laws relating to persons lately held as slaves, or free persons of color, contrary to, or in conflict with the provisions of this act, be and the same are hereby repealed; Provided, nevertheless, that nothing herein shall be so construed as to repeal any law prohibiting the intermarriage of the white and black races, nor to permit any other than white men to serve on juries, hold office, or vote at any election, State, county, or municipal: Provided, further, that

nothing herein contained shall be so construed as to allow them to testify, except in such cases and manner as is prescribed in the Constitution of the State.

Approved November 10, 1866.

CHAPTER CXXIX.

An Act making an appropriation to defray the Contingent Expenses of the Eleventh Legislature.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of ten thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated, out of any funds in the Treasury, not otherwise appropriated, to defray the contingent expenses of the Eleventh Legislature, and that the certificates of the Secretary of the Senate and the Chief Clerk of the House of Representatives to the correctness of and the approval of the Chairman of Committee on Contingent Expenses of the Senate and House to the respective accounts against the two Houses, shall be sufficient authority for the Comptroller to draw his warrant upon the Treasury for the several amounts charged against said fund.

Sec. 2. That this Act take effect and be in force from and after its passage.

Approved November 10, 1866.

CHAPTER CXXX.

An Act to amend an Act entitled "An Act to prohibit the sale of intoxicating liquors in the vicinity of the town of Dallas, in Dallas county, passed December 16th, 1863."

Section 1. Be it enacted by the Legislature of the State of Texas, That the first section of "An act to prohibit the sale of intoxicating liquors in the vicinity of the town of Dallas, in Dallas county," passed December 16th, 1863, be so amended as to read as follows: "That it shall not be lawful to sell any ardent spirits or intoxicating liquors of any kind in quantities less than one gallon, within the corporate limits of the town of Dallas, or within two miles of the corporate limits of said town, (unless

sold by apothecaries for medicinal purposes;) and any person or persons violating the provisions of this act shall be guilty of a misdemeanor, and on conviction thereof before any court of competent jurisdiction, shall be fined not less than twenty-five dollars, nor more than one hundred dollars for each and every violation of the provisions of this act; Provided, nothing in this section shall be so construed as to prohibit any person from selling ale, porter, beer, cider, and native wines, in any quantity.

Sec. 2. That section second of the above and foregoing recited act be so amended as to read as follows: The District and County Court of Dallas county, and the Mayor of the town of Dallas, shall have concurrent jurisdiction for the trial of all persons offending against the provisions of this act; and all the fines assessed by the Mayor under the provisions of this act shall, when collected, be paid to the Treasurer of the corporation of the town of Dallas, and be expended, under the direction of the Mayor, in improving the streets of said town; and any person who shall be tried and convicted by the Mayor, and shall refuse to pay the fine assessed against him, may be required to work on the streets of Dallas until he shall discharge the amount of said fine, such party so convicted and fined, shall, in payment of his fine, be allowed one dollar for each day he shall so work.

Sec. 3. That this act take effect and be in force from and after the first day of December, one thousand eight hundred and sixty-six.

Approved November 10, 1866.

CHAPTER CXXXI.

An Act to prohibit the sale of spirituous, vinous, or other intoxicating liquors, within five miles of the public square in the town of Alvarado, in Johnson county, Texas.

Section 1. Be it enacted by the Legislature of the State of Texas. That no license shall hereafter be granted for the sale of any spirituous, vinous, or other intoxicating liquors within five miles of the public square in the town of Alvarado, in Johnson county; and any person who shall sell, barter, or give away, any of the above mentioned liquors within the said five miles of said

public square, shall be liable to all the penalties imposed by the general laws of the State for selling spirituous liquors without license, to be recovered in the manner provided for by law.

Approved, November 10, 1866.

CHAPTER CXXXII.

An Act to amend an Act to organize the Supreme Court of the State of Texas, approved May 12, 1846.

Section 1. Be it enacted by the Legislature of the State of Texas, That the fourteenth section of the above recited act shall be so amended as to read as follows, to-wit: In all cases decided by the Supreme Court, the judgment or decree of the court shall be pronounced in open court; and the opinions of the court shall be reduced to writing in those cases which the court, in its discretion, may deem of sufficient importance to be reported, and such opinions shall be recorded by the Clerk of the Court, in a book kept by him for that purpose; Provided, the opinions, in all cases, which are reversed and remanded for new trial, shall be in writing.

Sec. 2. The Supreme Court shall designate, by order or otherwise, all cases to be reported.

Sec. 3. That this Act take effect and be in force from and after its passage.

Approved November 10, 1866.

CHAPTER CXXXIII.

An Act for the Assessment and Collection of Taxes.

Section 1. Be it enacted by the Legislature of the State of Texas, That there shall be elected, by the qualified voters of every organized county within the State, on the 1st Monday in August, in the year eighteen hundred and seventy, and every four years thereafter, an Assessor and Collector of Taxes, who shall hold his office for and during the term of four years, (unless sooner removed) and until his successor is duly qualified: and, should the office of Assessor and Collector, from any cause, become vacant, it shall be the duty of the County Judge, immediately, to order an election to fill such vacancy, and when an Assessor

and Collector shall have been elected, he shall be qualified in the same manner, and be subject to like bond as his predecessor, and the Assessor and Collector so elected, shall hold his office for and during the unexpired term of his predecessor, and until his successor shall have been duly qualified.

Sec. 2. That every Assessor and Collector, shall, within ten days after he has received notice of his election or appointment, give a bond, payable to the State of Texas, in a sum which the Police Court shall consider double the probable amount of all the State taxes, collected for and during the year in which it is drawn, with at least three good and sufficient securities, to be approved by the Police Court of his county, and shall take and subscribe the oath prescribed by the Constitution, with the following addition: "And I do further swear, that all valuations made by me shall be in accordance with the provisions of the laws of the State, regulating the assessment and collection of taxes, and justice," which, together with said bond, shall be recorded in the office of the Clerk of the Police Court, at the expense of the Assessor and Collector, and be forwarded by the County Judge of the county, within ten days thereafter, to the State Comptroller of Public Accounts, for filing in his office; said bond shall be deemed to extend to the faithful performance of all duties imposed on him by law, and the instructions of the State Comptroller of Public Accounts, as Assessor and Collector, for and during the full term for which he was elected or appointed, as well as for the collection of all sums which were uncollected by his predecessors in office, and shall also be deemed to cover the whole time from the date of its execution to the end of the term to which he was elected, and until his successor is qualified, and shall not become void on the first recovery, but suit may be maintained thereon until the whole amount thereof be recovered, and all the property of an Assessor and Collector shall be bound by statutory lien for three years, for all monies received by him for taxes, the date of such lien to commence from the time of his receiving the money.

An Assessor and Collector may be required to furnish a new bond, and additional or other securities, whenever in the opinion of the Police Court it may be deemed advisable. Should any Assessor and Collector fail to give a new bond and additional or other securities, whenever required, or shall appear to be a defaulter, or delinquent in the performance of any important duty, or shall become indicted to habitual intemperance or gambling, or be incompetent to discharge his official duty, or any other cause whereby the interests of the State may be jeopardized,

then, and in that case, he shall be removed from office by the County Judge of the County, who shall forthwith order an election to fill such vacancy, for the remainder of his official term; and no person who is a defaulter to the State, shall be eligible to any office of profit or trust in this State, until such indebtedness is removed, nor shall any Assessor and Collector enter upon the discharge of his official duty until he shall have been duly commissioned, and shall keep his office at the county seat, which fact shall be duly stated on his official bond. On the first day of January, or within ten days thereafter, in each and every year, the Assessor and Collector shall execute a like bond to the State, and one to the county shall annually be executed, with like conditions, and made payable to the County Judge thereof, and his successors in office, and the Assessor and Collector shall comply with the same requirements in executing his bond to the County Judge, as is above required for the bond executed to the State.

Sec. 3. That should any Assessor and Collector fail or refuse to surrender the tax rolls, or other archives appertaining to his office, to his successor, on application, he shall be liable, in a fine of not less than one hundred dollars, for every week he may so fail or refuse to deliver such rolls or archives, to be recoverable on his official bond.

Sec. 4. That each Assessor and Collector shall be authorized to appoint, by an instrument of writing under his hand, as many deputies as he may think proper, to be by him compensated for their services; one of which, in the event of the absence of the Assessor and Collector from the county seat, shall there remain during such absence; and, also, to revoke any such appointment, by giving twenty days' previous notice, by publication in some newspaper printed in his county, if any there be, if not, then by public advertisement for that length of time, in at least one place in each precinct in that portion of the county which may have been allotted him; and shall give bonds or other securities, and accept the same from such deputy, and each deputy shall have the like authority, in every respect, to assess and collect any taxes within that portion of the county which may have been allotted him, which the Assessor and Collector would have; but each Assessor and Collector shall, in every respect, be responsible for every act performed, or omission incurred by his deputy, as though the same had been performed or incurred by himself, and every deputy thus appointed, shall be required, before discharging any official duty, to take the oath of office prescribed for the Assessor and Collector, and upon failure to take such oath,

or to act without such written appointment, he shall be liable to a fine of not less than fifty dollars, to be recoverable on the bond executed to the Assessor and Collector, which shall be duly recorded in the county; provided, that nothing herein contained shall prevent any Assessor and Collector from discharging any official duty in any portion of his deputy's district. That in case of the disability, removal or death of the Assessor and Collector, the duties herein required of him shall devolve upon the deputy or deputies, who, or either of them, shall immediately notify the Comptroller of Public Accounts, and County Judge, if necessary, of such event, and if a further continuance of the discharge of their duties be not disapproved by them, he or they shall continue to act, until an election to fill such vacancy be made, which shall not be deferred longer than sixty days from such disability, removal or death of the Assessor and Collector, but the responsibility of the Assessor and Collector, and his securities, shall in no wise be affected or impaired by such disability, removal or death of such Assessor and Collector, nor shall his liability, or the liability of his securities, cease, until his successor has been duly qualified; and any bond or security taken of such deputy, by the Assessor and Collector, shall be available to his heirs or representatives, to indemnify them from loss or damage accruing from any act of such deputy, so succeeding to the temporary duties of such disabled, removed or deceased Assessor and Collector.

Sec. 5. That immediately after the first day of January next, and every year thereafter, the Assessor and Collector shall post, or cause to be posted, suitable notices throughout his county, stating the times and places at which he will visit the several precincts of his county, for the purpose of receiving the inventories of property, subject to an ad valorem tax and return of income, salary, poll and occupation tax, which notice shall be posted at least ten days previous to the time of his visit for receiving such inventories and returns, and in at least three public places in each precinct; and for which purpose he shall remain at least one day in each precinct, and longer if necessary, and should any person liable to any of the above mentioned taxes fail to meet him at the times and places named in said notice, and there render an inventory of his taxable property, or other return which it is his duty to make, it is hereby made the duty of the tax officer to visit such delinquent, before leaving the precinct, if practicable, for the purpose of receiving such inventory, or other return, and for which service he may charge mileage, at the rate of ten cents for every mile of travel thus caused him by such

neglect, computing the distance, if the visit be made before leaving the precinct, from the place of appointment and back; and if the visit cannot be made at that time without causing a conflict in his other appointments, then the distance may be computed from the county seat to the usual place of abode or labor, and back, together with the addition of ten per cent. to all his taxes, and such mileage (except for visiting widows for the purpose of obtaining tax returns,) and per centage, shall be charged against such delinquent, on his inventory and schedule, and the former shall accrue to the benefit of the Assessor and Collector, but shall be duly entered on the return of fees and penalties, as well as all other sums which he may receive by virtue of his office, except taxes, and shall be certified to, as embracing a full and true account thereof, and shall be forwarded to the State Comptroller, at the time of sending his assessment rolls of rendered property, and in the event the delinquent cannot be found at his usual place of abode, or labor, it is hereby made the duty of the Assessor and Collector to leave with some person above fourteen years of age, resident at his place of abode, a written notice, citing such delinquent to file the required inventory, or schedule, duly sworn to, as herein required, in his office, within ten days; but should the person not be found at his usual place of abode, then the citation may be left in the residence, if practicable, otherwise it shall be posted on the door, and for such notice or citation, the Tax Officer may charge the sum of twenty-five cents, in addition to the mileage and penalty, to be collected as taxes.

Sec. 6. That it shall be the duty of every person, firm, association or corporation, within this State, liable to the payment of any tax, to make due return thereof to the Assessor and Collector of the county in which they reside, or if residents of an unorganized county, then to the Assessor and Collector of the county to which such county is attached, or if any person, firm or association, be non-residents of the State, then to the Assessor and Collector of the county in which their agent resides, or in which their principal office is kept, at the time, and in the manner as hereinafter directed and described. In rendering property for the assessment of the ad valorem tax, it is hereby made the duty of the Assessor and Collector, invariably to administer the following oath, to-wit: "You do solemnly swear that the Inventory, now to be rendered, shall embrace a full and complete list of all property owned by you, or held by you for others, within the limits of this State, on the first day of January last, and that you will true answers make, to all questions

which may be put to you touching the same, to the best of your knowledge and belief, so help you God!" If the rendition embraces real estate, he will give the owners name, the name of the original grantee, the size of the tract, the number as it appears in the abstract of titled and patented lands, the number of acres improved, and the number of acres unimproved, and the county in which the same is situated, and, if town lots, they shall be described, by the number of the lot and block, and the name of the city, town and county in which they are located, and whether improved, or unimproved, and such other description thereof, and the improvements thereon, whereby they may be fully identified and valued. University and School lands unsold, lands or lots belonging to incorporate towns, or such towns as may have had lands granted to them, and lands on which churches, schools and colleges are erected, or lands occupied as cemeteries; Provided, each shall not exceed ten acres, are hereby exempt from taxation; Provided, all lands originally granted to persons, are hereby required to be rendered, for crediting on the Assessor's Register, as hereafter described, whether exempt from taxation or not, and any sale made for want of such rendition, or for want of sufficient description whereby to identify them, whether required herein or not, is hereby declared valid, and subject to redemption in like manner as unrendered property. If the rendition be of fractional portions of original surveys, or fractional portions of city lots, then such additional description as will fully identify the portions rendered. If the rendition be of personal property, he shall also fully describe it, and in the following order: First, horses, stating the number of stock, horses, the number of horses and mules of saleable age, and the number and quality of stallions or jacks. Second, cattle, stating the number of stock cattle, and the number of saleable beeves over three years old, and work oxen and if they are other than the ordinary stock of the State, their quality also shall be stated. Third, sheep, stating the number of ewes and lambs, and if raised for slaughter, the number of wethers; but if the flock is kept for wool raising, the total number of head may be returned; but should they be of improved, or valuable breed, their quality, as well as the number and quality of bucks kept, shall be stated. The number, kind and quality of other varieties of live stock, shall, also, be rendered and described, and the county, or counties, in which they range, shall invariably be stated, as well as the name and address of the stock keeper, or shepherd, in whose charge they are, though the liability of such person to render the same, shall, in no wise, be

impaired thereby. The farm property, such as agricultural implements, machinery, wagons, pleasure carriages, and all other property appertaining thereto, though not herein enumerated, shall also be duly rendered; but products of the soil, of the previous and current year's growth only, while in the hands of the producer, and two hundred and fifty dollars worth of household and kitchen furniture, belonging to each head of a family, shall not be subject to taxation; all merchandise, or money at interest or on hand.

Sec. 7. In the rendition of the schedule for the assessment of Income Tax, the gross income, gains, or profits derived, or accrued, in specie, during the year ending on the 31st day of December last, and on that day in every year thereafter, whether derived from any kind of property, rents, interests or dividends, or from any profession, trade, employment or vocation, carried on within this State, or from any other source whatever, except salaries, shall be rendered at the time, and in the manner as herein after directed and decreed; previous to which the following oath shall invariably be administered: "You do solemnly swear that the schedule now to be rendered, shall contain a full and complete rendition of the gross amount of income, gains, or profits received or derived by you, in specie, from all sources whatever, or accruing within the year ending on the 31st day of December last, subject to income and salary tax; and that you will claim no other deductions than those to which you are justly entitled by law, and that you will true answers make, to all questions which may be put to you touching the same, to the best of your knowledge and belief, so help you God."

First. From profits in any trade, business, or vocation, from which income is actually derived, or any interest thereon, with the following deductions:

- 1st. Rent of store, shop, manufactory, etc.
- 2d. Insurance on same.
- 3d. Freight and Express charges.
- 4th. Wages of employees.
- 5th. Other expenses.

Second. From rent of lands, deducting only the average annual outlay for repair of fences.

Third. From rent of buildings, deducting only actual repairs, not to exceed ten per cent. of the rent and insurance paid by the owner.

Fourth. From farming operations, embracing the value of live stock, and agricultural products sold; with the following deductions:

- 1st. Amount paid for hired labor.
- 2d. Repairs on farm, or plantation, not exceeding an annual average of ordinary repairs.
- 3d. Amount paid for live stock, (if bought,) which was sold during the year.
- 4th. Insurance and interest on any incumbrance upon the farm, or plantation.
- 5th. From profits realized by sale of real estate, if purchased within the year.
- 6th. From interest on any bonds, or other evidence of indebtedness of any Railroad, or Canal Navigation Company.
- 7th. From interest, or dividends, on stock, capital, or deposits in any Bank, Insurance, Railroad, or Canal Navigation Company.
- 8th. From dividends of any other Incorporated Company.
- 9th. From interest on any United States Bonds, or Treasury Notes.
- 10th. From interest on any other bond, note, mortgage, or security.
- 11th. From gains or profits of any incorporated company, not divided.
- 12th. From payment of debts in a former year, considered lost, and which have not previously paid an Income Tax.
- 13th. From any source not above enumerated.

The following deductions, in addition to those above cited, may also be made:

- 1st. Losses on sales of real estate, if purchased within the year.
- 2d. Interest paid, or falling due within the year.
- 3d. National, State, or other taxes, paid within the year.
- 4th. Amount actually paid for rent of homestead.
- 5th. Salaries.
- 6th. From all incomes, when returned by heads of families, six hundred dollars; but the incomes of minors shall be compounded with those of parents, or guardians, and in such case only, one such deduction shall be allowed. The amounts of the taxable income shall now be added together, and the tax computed thereon.

Sec. 8. That it is hereby made the duty of every person receiving over six hundred dollars in specie, except persons in the army or navy of the United States, to render the same to the Assessor and Collector, computing it in specie, or, in default thereof, it is hereby made the duty of the Assessor and Collec-

tor to assess the same, with the addition of fifty per cent. penalty thereto.

Sec. 9. That every person subject to the payment of a poll tax only, shall also be required to meet the Assessor and Collector at the times and places named in the notice, in like manner as those subject to ad valorem or income tax; and in the event of failing so to do, shall be subject to the penalty of ten per cent. additional, and to the payment of mileage and other costs, as stated in section six hereof; and after the rendition of ad valorem, income, salary and poll tax, is complete, the inventory, schedule, and return of salary and poll tax, shall be duly entered in the inventory book, and shall be dated and signed by the person rendering the same.

Sec. 10. That it is hereby made the duty of every person, firm, or association of persons, pursuing any of the taxable occupations or callings mentioned in section five of the Tax Act, to make application to the Assessor and Collector of the county in which he resides, or may be, prior to pursuing any such occupation within this State, and make payment of the amount due; and for failure so to do, within five days thereafter, or within five days after the expiration of a license, he shall pay fifty per cent. additional, and Assessor's costs. It is hereby made the duty of the Assessor and Collector, previous to issuing the receipt therefor, to administer the following oath: "You do solemnly swear that you are not liable to the payment of any other tax on occupations than that for which application is now made, as imposed by section five of the Tax Act, and that you have not been engaged in any other taxable occupation within this State without having complied with the requirements of said Act, to the best of your knowledge and belief, so help you God!" It is also made the duty of the tax officer to make quarterly returns hereof, ending on the last day of March, June, September and December, and to number all receipts issued by him for this purpose, and keep a marginal duplicate in substance thereof, which duplicate shall be filed in the State Comptroller's office, at each annual settlement of his accounts, and shall be entitled to the same mileage and fee from delinquent tax payers, under section five of the Tax Act, as in other cases.

Sec. 11. That, in no case, is the proper administration of the appropriate oath to be dispensed with in the reception of the returns of any tax, in default of which the tax officer shall be liable to a fine of twenty dollars in every case of neglect or omission so to administer such oath, upon information being filed, under oath, with the State Comptroller, to be recoverable upon

the bond of such delinquent Assessor and Collector; and all taxes assessed shall be a statutory lien upon the property of the person by whom the same are due, for two years from date of rendition, and shall not be removed from the county without payment of the tax.

Sec. 12. That previous to proceeding to value the property rendered, the Assessor and Collector shall examine the abstract of titled and patented lands, and if the lands rendered, whether situated within his county or elsewhere, shall appear thereon, he shall affix the abstract number opposite the tract on the inventory, and shall further aid, to the best of his ability, the person rendering, in giving a correct description thereof, so that it may easily be identified. He shall now proceed to value all the property stated in the inventory, which is situated in his county, at its actual specie value therein, on the first day of January preceding the assessment, and for which purpose he shall ask such questions of the persons rendering as may establish such value, but, in case the person rendering and the Assessor and Collector cannot agree, each shall have the right to choose an appraiser, and if the two thus chosen cannot agree as to the value, they shall call in a third appraiser, and the decision of a majority shall be final; when the inventory, with the established values, shall be recorded in the inventory book, it shall be signed by the person rendering the same, or, in the event of his refusal, by the appraisers or a majority of them.

Sec. 13. That, in case of refusal of any person to make return of inventory for the assessment of the ad valorem tax, or schedule for the assessment of the income and salary tax, after notification has been made, and the time elapsed in which such return should have been made, or, in event such delinquent cannot be found, it is hereby made the duty of the Assessor and Collector to make out such inventory or schedule, according to the best information he can obtain, either by the examination of such person, if present, or his books and accounts, or by the examination of any person who may be cognizant of his business or property, or in any other manner whereby a correct return may be made; and the Assessor and Collector shall have the right of entry into any buildings or premises, other than the dwelling, to make due search for the accomplishment of this purpose, and shall have the power to summons persons to give evidence in relation thereto; and for every summons so issued, he shall be entitled to a fee of twenty-five cents, which shall be taxed against the property of the delinquent; and should the books, papers or property, be secreted within the dwelling of

such delinquent, it is hereby made the duty of the Assessor and Collector to notify the County Attorney of his county whereby he is prevented from establishing the indebtedness of such delinquent; and it is hereby made the duty of such Attorney to prosecute such delinquent for the recovery of the amount which shall be ascertained to be due, together with one hundred per centum thereon, and costs of suits; but if the Assessor and Collector can make out such inventory or schedule upon view of the property, or from investigation of the books and papers of such delinquent, or otherwise, he shall do so, adding the penalty above stated, and shall sign the inventory or schedule, and record the same in the inventory book, as in other cases, for which service he shall be entitled to the usual mileage and twenty per cent. of all taxes and penalties which may be collected from such delinquent, either with or without suit; and if suit be instituted, he shall attend as a witness, and in order to claim his per centage in such cases, he shall file with the State Comptroller the certificate of a witness present at such refusal to render.

Sec. 14. It is further made the duty of the Assessor and Collector, before leaving the precinct, to make diligent inquiry and search for all unrendered personal property, and when obtained, shall be duly entered on the return for that purpose, stating the reputed owner's name, its locality and description, and shall be assessed by him at its actual specie value, where located, on the first day of January preceding the assessment, and after the assessment of the rendered property and incomes is completed, shall be duly entered on the debtor's side of the Assessor's register, following the registry of the lands and city lots, as hereinafter directed; and in order to ascertain the locality and ownership of any such unrendered personal property, he shall have authority to summons any person whom he may deem cognizant of such property, to appear before him, and testify in behalf of the State, whereby the inventory may be made out, and the tax collected, as hereinafter provided, with an addition of fifty per cent. thereon, to be imposed in case the same shall appear not to have been elsewhere rendered.

Sec. 15. That as soon as the inventories are transcribed from the inventory book to the assessment rolls, (and which shall be done by placing the names of persons rendering in alphabetical order, and if rendered for others, their names and capacities shall also be stated, and two copies thereof shall be completed before the first day of April of every year,) the Assessor and Collector shall compile the lists of property rendered, situated

in other counties, and shall, within five days thereafter, make out and complete such lists, and in the following order:

- 1st. By whom rendered.
- 2d. The name of the post office of the person rendering.
- 3d. Name of the original grantee.
- 4th. The number on the abstract of titled and patented lands.
- 5th. The class of claim—whether headright, bounty, donation, scrip, &c.

- 6th. The number of acres rendered.

7th. If a fractional part of an original survey, out of what part of such survey it was taken, or if an undivided portion of such survey, it will be so stated, and such other description as will render its locality definite.

And if the property to be valued is city lots, he shall make out the lists in the following order:

- 1st. By whom rendered.
- 2d. The name of the post office of the person rendering.
- 3d. The number of the lot and block.
- 4th. The name of the city or town where situated.
- 5th. If a fractional part of a lot, such description as will identify it.

And if the property to be valued is personal, it shall be fully described, and if in the charge of an agent, the name of such agent and his post office shall be given; but it is nevertheless the duty of all agents to render whatever property may be in their custody or possession, is required in section seven hereof, otherwise the fact of having no agent in the county will be stated; but if the property cannot be described, as required in this section, the inventory thereof shall nevertheless be sent to the county where such property is situated, for valuation. It shall also be the duty of the Assessor and Collector, at the time of mailing the same, to take the postmaster's receipt therefor, stating the names of the counties to which they were sent, and shall be directed to the Assessor and Collector at the county seats, respectively, which receipts shall immediately be sent to the Comptroller of Public Accounts; and for failure so to make out and forward said lists, within the time herein specified, the Assessor and Collector shall be liable to a fine of ten dollars for every day's failure so to do; and the envelope containing the same shall have endorsed upon it, "if not taken out within five days, to be returned to the Assessor and Collector of — county, at —," filling the blanks with the name of the county and county seat; and the lists so sent back by the postmaster shall then be sent to the Comptroller of Public Accounts, for valuation

by him, and the Commissioner of the General Land Office, whose duty it is hereby made to examine the maps and assessment rolls of their respective offices, and shall value such list to the best of their information and judgment; and, after dating and signing the same, the Comptroller of Public Accounts shall return to the tax officer of the county where the property was returned; and the Assessor and Collector so failing to take them out of the post office, shall be removed from office.

Sec. 16. That, for the purpose of more effectually securing the taxes due on land, it is hereby made the duty of Assessors and Collectors to purchase a well bound record book, of good quality, at the expense of the State, containing at least eight quires of paper—and if not of the size and quality as herein required, no credit shall be allowed therefor—which shall be known as the “Assessor’s Register,” and shall contain, on the left hand, or debtor’s page, an alphabetical list of all the titled and patented lands in the county, in the following order:

1st. The number, as taken from the printed abstract of titled and patented lands.

2d. The class of claim, stating whether headright, and number of class of same, bounty, donation, scrip, &c.

3d. Name of original grantee, placing the surname of such grantee first in order.

4th. Size of the tract, which it is imperatively necessary shall be stated in acres; and in order to reduce Spanish into English measure, it is hereby made the duty of the Comptroller of Public Accounts to furnish a table for that purpose.

5th. The widest column practicable will be left for a description of the survey or grant; and it is hereby made the duty of the Comptroller of Public Accounts to furnish each Assessor and Collector, as early as practicable, with printed copies of such abstract, provided such be not already in their possession, and also a manuscript copy of all lands patented since its publication, and up to the first day of January next, and annually thereafter. In making these entries, four, or more, if necessary, blank lines will be left between each league tract, three or more between each half or third league tract, and two or more between each lesser tract, and one or more for each tract of six hundred and forty acres or less, and said register shall be kept in a neat and legible hand. Following the above, and on the same side of the register, shall be entered a complete list of all lots and blocks in numerical order, in each city or town in the county, leaving a blank space for the owner’s name, opposite the number of each lot, together with a list of such lots which may not be embraced within

the corporate limits of such city or town, stating the name in numerical, or such other order as might have been adopted, to make them known, and leaving a blank space opposite the number or letter of each; and also stating the name of the city or town in which they are situated. The assessment of unrendered personal property will be entered following the city lots, as taken from that return, giving the same description and names of the actual or reputed owners, and localities of the property; but the values, or taxes due thereon, will not be stated on the register. The assessments of land lying in the county, and owned by residents thereof, will be taken up and credited on the register opposite the tracts debited therein, in the following order:

- 1st. State the abstract number.
- 2d. By whom rendered.
- 3d. Name of county and post-office of the person rendering.
- 4th. Number of acres rendered.
- 5th. Value; and

6th. Description of the tract rendered; which will likewise be done with the lists as received from other counties for valuation, and if any lands rendered do not appear on the Assessor's register, but are held by surveys only, the Assessor will nevertheless enter them in the same order as the above, but beginning at the end of the register, after reversing it, and enter them successively for future reference. Should it be impracticable to credit the land opposite the tract debited from the space allotted being filled, any subsequent entry can be made in the same order in the space opposite the city lots as debited, but on the left hand, or crediting page of the register. In place of stating their rendition on the left hand, or crediting page, he will simply fill the blank space left opposite the number of the lot rendered, with the name of the person and the county where rendered. Crediting unrendered personal property will be done by making the necessary entries from the proper return, in like manner as was made in debiting, only on the opposite page.

Sec. 17. That the Assessor and Collector and County Surveyor are hereby constituted a Board of Assessors, for the valuation of all property sent from other counties for valuation, and if the county surveyor shall fail so to act, then a disinterested person, familiar with the lands of the county in which he is called upon to act, shall be chosen by the Assessor and Collector, and previous to entering upon the discharge of his duties, the tax officer shall administer the following oath: "You do solemnly swear that you will value all property sent from other counties for valuation, at its actual specie value in the county on the first

day of January last, to the best of your judgment and belief, so help you God!" and for which purpose the board shall have in view in the county map, and such other records of the county surveyor's office, as will enable them the more accurately to establish the value of real property to be assessed, and in the event the county surveyor shall refuse to act, and shall also refuse to deliver such map and records to the person selected for the performance of that duty, he shall be liable to prosecution before the County Court, and on conviction thereof, shall be fined in a sum not less than fifty dollars; and in case of disagreement between the members of the board as to the value of any property, or in case the Assessor and Collector may be interested in any such lands, they shall, in the former case, select a disinterested person, who shall act as arbitrator, and in the latter case, the county surveyor shall alone decide the value, and in both cases the decision shall be final. For the performance of which service, the county surveyor (or the person selected in his place to act on said board, shall receive the sum of three dollars for every day so employed, two-thirds of which shall be paid by the State, and one-third shall be paid by the county; provided, such time shall not exceed ten days in any one year, which sum shall be paid by the Assessor and Collector, taking duplicate receipts therefor. The lists, after being thus valued, shall have affixed to them the date when the valuation was made, as well as the date of its reception by him; the rate of the county tax as established by the Police Court, and in the event no such rate has been established by said Court, then one-fourth of the amount of the State tax shall be entered thereon, and after being signed by the board, shall be returned to the tax officer sending the same.

Sec. 18. That when the lists sent out for valuation have all been returned, and the values and county tax entered in each copy of the assessment rolls, the State tax shall be computed thereon, and the lists carefully filed away for future reference; and it is hereby made the duty of the County Clerk to assist the Assessor and Collector in comparing the inventory book and lists sent to other counties for valuation, with the assessment rolls, and if found correct, he shall certify thereon that he has made such comparison, and finds that the same is correctly done, for which service he shall receive three dollars per day; provided, such time shall not exceed three days, to be computed and paid in like manner as the county surveyor, while acting on the Board of Assessors; and it is hereby made the duty of the Assessor and Collector, in those cases where a poll tax only has been assessed, to place the same upon the rolls for that purpose, the Assessor

and Collector shall then carefully add up all the columns, both of number and value, observing that the footings of all the value columns agree with the footings of the total value columns, and shall prove the same to be correct by a general recapitulation of all the pages at the end of each roll, he shall also make out a list, and attached to the rolls, showing the amount of county tax due each county respectively; for a failure to do which, such delinquent shall be subject to removal from office; and a copy of such rolls, after the same has been duly examined and approved by the Police Court, which shall be duly certified thereon as embracing a complete assessment of all resident persons, and rendered property of said county, shall be mailed to the Comptroller of Public Accounts, prior to the first day of July, in each and every year, the post-master's receipt for which shall be taken, and forwarded to the Comptroller of Public Accounts by the subsequent mail; and for failure so to mail said rolls, within the time herein specified, he shall be fined in a sum not less than fifty dollars; and should the Assessor and Collector wilfully make out a false or fraudulent list of such persons and property, notwithstanding said list may have appended thereto the certificate of the Police Court, as herein required, such malfeasance shall be punishable by the District Court, as provided by Article 346 of the Penal Code, and shall be dismissed from office. It is further made the duty of the Assessor and Collector to forward, with his assessment rolls of rendered property, the returns of penalties, and Assessor's fees, as required in Section 6 hereof.

Sec. 19. Immediately after the first of July of each year, the tax officer shall post, or cause to be posted, suitable notices throughout his county, in like manner as for receiving inventories, stating the times and places at which he will attend for the reception of the taxes due, and the penalty for non-attendance, giving at least ten days' notice prior to visiting each precinct; and when completed, he will make out his receipts on the blanks furnished him by the Comptroller of Public Accounts, giving separate receipts for taxes paid on property situated within the county from those on property situated out of the county; and if the taxes to be paid are for others than the persons rendering, separate receipts for all such will be made out, but receipts for persons owing poll tax only, need not be executed until time of payment, and no receipt shall state upon its face any other sum than that due for taxes as shown upon the rolls, but should penalties, mileage, and Assessors' costs accrue, they will be stated on its back, making corresponding entries thereof at the time of collection, on the return of fees and penalties not already stated

on such return sent with the assessment rolls to the Comptroller of Public Accounts, otherwise an account of all such as may accrue, will be kept and forwarded with his final accounts. The receipts will all be numbered, and those drawn from the rolls of the property situated out of the county, will be of a different series from those drawn from the rolls of property situated in the county; and duplicates of each series will be kept on the margin of the receipt book, corresponding in number, name and amount with those issued, and shall also be signed by the Assessor and Collector, and when the collection is completed, will be carefully added up and filed with the Comptroller of Public Accounts, who is hereby prohibited from making settlement with any Assessor and Collector, without them in view; and should such collections amount to over two thousand dollars, exclusive of commissions and fees, it is hereby made the duty of the Assessor and Collector forthwith to forward the same to the Comptroller of Public Accounts, for which service he shall be allowed mileage at the same rate, and in addition to that as allowed him on the final settlements of his annual account.

Sec. 20. That every Assessor and Collector, or his deputy, who shall exercise or be guilty of any extortion, or wilful oppression, under color of this act, or shall knowingly demand other or greater sums than are authorized by this act, or other currency than that in which the taxes are made payable, shall be liable to pay a sum not exceeding double the amount of damages accruing to the party injured, to be recoverable before the County Court, for the use of said party, with costs of suit, and shall be dismissed from office, and every Assessor and Collector, or his deputy, shall give receipts for all sums by them collected, in the manner described in this act.

Sec. 21. When the voluntary collection of the ad valorem income, salary and poll tax is complete, the Assessor and Collector, conjointly with the county surveyor, will proceed to ascertain from the Assessor's register, aided by the county map, and such other records of the county surveyor's office as may be necessary, the lands upon which the taxes have not been paid for the current year, and shall describe the same in the following manner:

- 1st. The abstract number.
- 2d. Class, or nature of the claim.
- 3d. Name of the original grantee.
- 4th. Number of acres unrendered, and upon which the taxes are due.
- 5th. Such description of the unrendered portion, whereby it

can be identified; and if this is not practicable, it shall be so stated.

6th. Name of owner, if known; if not, then it shall be stated, "owner unknown."

7th. The amount of State taxes.

8th. Twenty per cent. penalty thereon.

9th. The amount of county taxes.

10th. Twenty per cent. penalty thereon.

11th. Amount of Assessors' costs, being three dollars for every sale made to individuals.

12th. The total amount due.

They shall then transcribe from the Assessor's register to said list, in appropriate columns, and in numerical order, all the city or town lots upon which the taxes are still due and owing, which will appear by there being no owners' name entered opposite the number of the lot at the time of making the crediting entries, as required by section 16 hereof. They shall then enter such personal property which may appear on the register not to have been rendered, and should there be sales of real estate to make, in those cases where the delinquents are not possessed of personal property within the State, these also will be entered in like manner as the unrendered lands, but adding the delinquent's name to the list; from this general list shall be drawn as many lists as there are precincts in the county, drafting into each, as near as practicable, the property situated therein respectively, whether rendered or unrendered; each list shall contain notice of time and place of sale of said property, which time shall not be less than twenty days from date of said notice, and shall cite the owners thereof to come forward within that time and show cause, before the County Court, why such sale shall not take place, and shall then be dated and signed by the Assessor and Collector; upon the completion of said lists and notices, the county surveyor shall receive compensation therefor, at the rate of three dollars for every day so employed, not to exceed twenty days, to be paid in like manner as for assessing property sent from other counties for valuation.

Sec. 22. That should any person, firm, corporation, or association, fail or refuse to pay the taxes due at the time specified in said notice, and for ten days thereafter, the Assessor and Collector shall add ten per cent. additional to their taxes, and shall notify them through the post-office, at the county seat, taking the postmasters' receipt for the notices mailed, of the tax and penalty owing; and shall further notify such delinquent, that if payment thereof be not made within ten days from the mailing

of such notice, that sufficient of the personal goods, chattels, or effects, of such delinquent, will be taken into possession by the Assessor and Collector, or his deputy, for the satisfaction of the taxes, penalties and costs accruing; and it is hereby made the duty of the tax officer, upon the expiration of the time stated in the notice, to proceed, in conformity therewith, by taking into possession any of the personal effects, of whatever character, of such delinquent, he can find, leaving a description of the goods, chattels or effects distrained upon, with some person over fourteen years of age, at the place where the distraint was made, in which description, the time and place of sale shall also be stated, and the time shall not be less than ten days from the date of such service; nor shall the place of sale be more than ten miles distant from the place of distraint, except when distraint is made upon live stock; Provided, that sale shall not take place if payment be made of the taxes, penalties and costs of removing and taking care of said goods, chattels, and effects, together with the sum of one dollar for making such distraint, before the sale takes place, and shall sell the same at public outcry to the highest bidder. But if the goods, chattels, or effects first seized, shall be insufficient to satisfy said tax, penalties and costs, then the tax officer shall make an additional levy and sale, and shall so continue, until said tax, penalties and costs are satisfied, or until the goods, chattels or effects of such delinquent are exhausted, and no levy upon the real property of such delinquent shall be made until all the personal property belonging to such delinquent within his county is exhausted; and should such delinquent be possessed of personal property within the county, elsewhere than in the county in which the rendition is made, it is hereby made the duty of the Assessor and Collector to make out the tax bill, including all costs which may have accrued, and after stating that the same is correct, and still unpaid, shall sign the same, and forward it to the Assessor and Collector of the county in which the property is situated, for collection, who shall receipt therefor, to the Assessor and Collector sending it, and thereafter it becomes his duty to account therefor to the Comptroller of Public Accounts, who shall charge the amount of the taxes and penalties specified in said tax bill and receipt, to such Assessor and Collector, and credit the tax officer sending it with a like amount: and when collected, the amount of fees due the Assessor and Collector, from whom it was received, shall be remitted to him by the tax officer collecting it, by mail, if not otherwise directed. That in cases where the personal property distrained upon is not divisible, the Assessor and Collector shall

sell the whole to the highest bidder, and the surplus, if any, after paying the taxes, costs and penalties, shall be paid by him to the former owner of said property; and if the former owner cannot be found, it shall be paid into the State Treasury for his benefit, and shall be refunded, upon making satisfactory proof of such ownership to the Comptroller of Public Accounts, and if any personal property cannot be sold for want of bidders, the same shall be bid in for the State, and a certificate of purchase, issued therefor, and which may be sold at any time thereafter, as the Comptroller of Public Accounts may direct, and no personal property sold shall be subject to redemption; and it is intended by this provision to seize and sell any personal property within the State belonging to the delinquent, though the same be exempt from execution in other cases.

Sec. 23. That in case the goods, chattels, and effects of a delinquent tax payer are insufficient to satisfy the tax and costs owing, or the same cannot be found, the Assessor and Collector, or his deputy, is hereby authorized to levy upon any of the real property (homestead included) of the delinquent, to be found in his county, and if none such is to be found, and it appears from the assessment rolls, or elsewhere, that he is possessed of such property in any other county, it is hereby made the duty of the Assessor and Collector to make out the tax bill, as is required in the preceding section, and forward it to the Assessor and Collector of the county in which the most available real property is situated, for collection, taking his receipt therefor; but if real property belonging to such delinquent be found within the county, the tax officer shall make out a descriptive list thereof, as it appears on the credit side of the Assessor's register, with taxes, and twenty per cent. thereon, and costs added, and shall apply to the County Court for a decree of condemnation and sale thereof; and if it shall appear that the delinquent is not possessed of any goods, chattels, or effects, in the county, and that the taxes, costs and penalties are still due and unpaid by said delinquent, it is hereby made the duty of the Assessor and Collector to cause such list, or a copy thereof, to be posted, as directed in Section 21 hereof, and if no such owners, or others in their behalf, shall come forward within that time and file satisfactory evidence that the tax has been duly paid thereon, then said court shall grant such decree of condemnation and sale; and upon the reception of such decree by the Assessor and Collector, it is hereby made his duty to advertise such property and sale, as directed in Section 21 hereof, and upon the dates named in said notice, he shall visit the places specified, and shall there

offer, at public outcry, the property so advertised, or as much thereof as may be necessary, to satisfy the taxes, penalties and costs accruing and owing; for which purpose he shall first offer land to any person who will pay the taxes, penalties and costs for the least number of acres, and the purchaser thereof shall there, or previous to the issuance of the certificate of purchase therefor, designate the beginning corner of the tract desired, which, when surveyed, shall be in an equilateral square, and the purchaser thereof shall have the privilege at the time of survey, as hereafter to be established, to run the lines of said survey in any direction he may think proper; Provided, the point of beginning, as stated in the certificate of purchase, shall not be changed, nor shall the shape of the survey be altered, and upon the payment of the amount due, together with the sum of three dollars to the Assessor and Collector, he shall issue a certificate of purchase therefor, on the forms furnished him for that purpose, retaining a marginal duplicate thereof, which shall be filed with the Comptroller of Public Accounts at the annual settlement of his accounts, and if the said property is not redeemed to the Assessor and Collector, who alone is authorized to receipt therefor, on the surrender of the certificate of purchase within two years from date of sale, by the payment of the amount for which the same was sold, and fifty per cent. interest per annum thereon, the Assessor and Collector shall issue an order of survey therefor, directed to the county surveyor, who shall survey the same, or cause it to be done, in the manner herein directed, at the expense of the purchaser, and return the field notes thereof, duly certified to by him, to the Assessor and Collector; and should he find that the requirements of this section have been complied with, shall, upon the payment of a fee of two dollars, issue a deed therefor, on the blanks furnished for that purpose, which, when recorded, shall have all the force and effect of a deed in fee simple, and shall not be set aside, on the plea of want of power in the tax officer in making the sale, or that the conditions of this act have not been complied with, or any other plea, whereby its validity may be questioned or impaired, but shall be regarded as prima facie evidence that all the requirements of this act have been duly fulfilled. But the mere possession of the certificate of purchase shall convey no rights of ownership over the property thus acquired, and any trespass committed upon such property prior to the execution of the deed therefor, shall subject the trespasser to all the punishment incurred thereby; Provided, that nothing herein contained shall be so construed as to authorize the sale of the homestead for the

payment of any tax, except such taxes as may be assessed upon the value of the homestead.

Sec. 24. That if, from any cause, the sale of any property did not take place at the time specified, the Assessor and Collector may, by giving like notices, sell at any other time, or if all the property was not sold at one time to individual purchasers, he may, by giving like notice, sell the remainder at any time within the year for which the tax was assessed; or the Comptroller of Public Accounts may order such sale at any time within two years from date of rendition, if the same was rendered, and if not rendered, then two years from the date of its valuation, and the amount due on any property which has not been sold for want of bidders, may at any time be paid before the expiration of two years from the date of the sale at which the same was offered, but not sold, by the payment of the taxes, costs and interests due thereon, and it is hereby made the duty of the Assessor and Collector to execute and file with the Comptroller of Public Accounts, a certificate of purchase, by and to the State of Texas, for all property which was offered for sale but was not sold for want of bidders, as well as the rest of such as was sold to individual purchasers, and if at the expiration of the two years, any of the property purchased by the State shall remain unredeemed, it is hereby made the duty of the Assessor and Collector of the county in which said purchase was made, to execute a deed therefor, for which he shall be entitled to the same fees as in other cases.

Sec. 25. That if any person, after a return of any tax is made by him, and is still due and unpaid, or any person subject to an occupation tax, and which is still due and unpaid, shall attempt to remove any property out of the county where the same was rendered, or is liable to tax, without the prepayment of all the tax due by such person, it is hereby made the duty of the Assessor and Collector, forthwith, to distrain upon a sufficiency thereof as will satisfy the taxes, and fifty per cent. thereon, and all mileage and costs which may be due, and sell the same as directed in section 23 hereof; and should any person remove from said county, without the prepayment of the taxes due by him, the Assessor and Collector shall make diligent inquiry to ascertain the county to which such delinquent has removed, and when ascertained, he shall make out the tax bill, including all penalties and costs which may have accrued thereon, and send the same to the Assessor and Collector of such county, as directed for the sale of personal property when situated in another county from that in which it was rendered, as set forth in section 22,

hereof; but should it be impracticable to ascertain such county, it is hereby made the duty of the Police Court to include the same in the insolvent list, stating that such allowance is made in consequence of such impracticability, to be allowed by said Court as hereinafter directed.

Sec. 26. That the Assessor and Collector shall, after the close of the annual sales in his county, make out a list of those persons who have failed to pay their taxes, and who are not possessed of any property upon which to levy to secure the taxes due, any upon said list being sworn to by the Assessor and Collector, before a Justice of the Peace, or Notary Public, that he has made due search, and has been unable to find any property upon which to levy, the Police Court shall allow him credit for the county taxes due thereon, and shall certify that fact upon said list, whereupon it shall be the duty of the Comptroller of Public Accounts to allow him credit for the corresponding amount of State taxes in the settlement of his accounts, and the sums thus allowed are hereby relinquished to the county, and the persons owing the same shall be liable to perform any work upon any road, bridge or other public work within the county, in liquidation thereof, at such times and places as the Police Court may thereafter direct.

Sec. 27. That as soon as the insolvent list has been allowed, and not later than the first day of December of every year, the Assessor and Collector, or his deputy, shall repair to the seat of Government to settle his accounts, and for which service he shall be allowed mileage, at the rate of twenty cents for every mile traveled, in going to and returning from the same; provided, that mileage shall, in no case, be allowed more than twice in the same year, and then only when the service herein required has been actually rendered, and the annual account finally closed. The account shall be stated as follows:

- Debits—1st. The amount of ad valorem tax assessed.
- 2d. The amount of income tax assessed.
- 3d. The amount of salary assessed.
- 4th The amount of poll tax assessed.
- 5th. The amount of occupation tax assessed.
- 6th. The amount of penalties assessed.
- 7th. The amount of tax received in redemption of property which may have been previously sold and bid in for the State.
- 8th. Interest due thereon.
- 9th. Tax bills received from other counties for collection.
- 10th. The amount received on account of excess collected at tax sale, over the amount of tax and costs due.

Credits—1st. The amount of State tax, allowed by the Police Courts, due by insolvent persons.

2d. The amount of State tax included in the certificate of purchase to the State.

3d. The amount sent to other Assessors and Collectors for collection, as per their receipts produced.

4th. The amount of commissions for assessing the debits, as above stated, in items from 1 to 6, inclusive, as follows: at eight per cent. on the first thousand dollars; at five per cent. on the second thousand dollars; at four per cent. on the third, fourth and fifth thousand dollars; at three per cent. on the sixth, seventh, eighth, ninth and tenth thousand dollars, and one per cent. on all sums over ten thousand dollars, and at like rates for collecting; and for assessing and collecting county taxes the same rates shall be allowed.

5th. Assessors fees for issuing certificates of purchase to the State.

6th. Receipts of Assessors and Collectors for tax bills sent to other counties for collection.

7th. Mileage, if the settlement be made, or the funds forwarded at the times prescribed in this Act.

8th. Two-thirds of the amounts paid to the County Surveyor, as per receipts produced.

9th. Two-thirds of the amount paid to County Clerks, as per receipts.

10th. Cost of Assessor's Register, inventory books and postage.

11th. Amounts paid over to the Comptroller of Public Accounts. All of which credits are hereby authorized to be allowed, on the production of the proper vouchers therefor, and upon settlement of the account, the Comptroller of Public Accounts will cause the same to be sworn to by the Assessor and Collector, as being correct, and embracing all the monies due the State, collected by him for the time specified, and will then certify to a copy thereof and deliver the same to the Assessor and Collector.

Sec. 28. It is hereby made the duty of the Comptroller of Public Accounts to furnish the tax officers with all the blank forms required by this Act, and to let out the printing thereof to the lowest and best bidder.

Sec. 29. That it is hereby made the duty of the Assessor and Collector to pay all drafts drawn upon him by the Comptroller of Public Accounts, whenever he may be in funds for that purpose, and any failure so to do, shall subject him to prosecution for malfeasance before the Police Court, and upon conviction thereof, shall be dismissed from office: and any Assessor and

Collector failing to forward the taxes collected by him, when the amount collected was over two thousand dollars, exclusive of commissions and fees, without a resort to sale of property, so as to be received at the Comptroller of Public Account's office, prior to the first day of September, in each year, shall be liable to the payment of five per cent. per month for every month's delay, and every Assessor and Collector failing to finally close his accounts with the Comptroller of Public Accounts, (except for the occupation tax for the last quarter in each year,) by the first day of December of every year, shall be removed from office, and suit instituted on his official bond at the next ensuing term of the Court in which the suit may be brought, and the like penalty and suit may be imposed or brought by failure to pay over and settle for the county taxes, collected at the times herein specified.

Sec. 30. That immediately after the first day of December, of every year, the Comptroller of Public Accounts shall publish a list of all those Assessors and Collectors whose accounts are not closed by that time, in some newspaper published at the seat of government, and shall state the amount due by each delinquent, and a copy of such newspaper shall be sent to the County Judge, County Clerk and Sheriff of the county, to be filed in the County Clerk's office of the county in which such delinquent resides.

Sec. 31. That should any person wilfully and knowingly swear falsely upon taking any oath required of him by this Act, it shall be held perjury, and upon conviction thereof, shall be punished as prescribed in Article 292, of the Penal Code.

Sec. 32. That such instructions of the Comptroller of Public Accounts as may be established to carry this Act into effect, shall be binding on all Assessors and Collectors, and their deputies.

Sec. 33. That the words "dollars and cents," as used in this Act, is understood, in all cases, to mean the currency of the United States, except in the valuation of property, the estimation of incomes, and the rendition of salaries, in all of which specie is intended.

Sec. 34. That any property which may hereafter be stricken off to the State, for want of bidders, shall be redeemable at the office of the Comptroller of Public Accounts, or in the county where sold, at the option of the person redeeming.

Sec. 35. That it shall be the duty of the Comptroller of Public Accounts, to make an index hereof, before printing and distributing the same to Assessors and Collectors.

Sec. 36. That the Act to provide for the assessment and

collection of taxes, approved February 11th, 1850, and all laws amendatory thereof, and an Act approved November 12th, 1864, to allow Assessors and Collectors to purchase stationery of the Comptroller, &c., be and are hereby repealed; except, so far as may be necessary to the collection of taxes heretofore assessed; and that this Act take effect and be in force from its passage.

Approved November 10th, 1866.

CHAPTER CXXXIV.

An Act to prohibit the sale of ardent or spirituous liquors within five miles of Oakland College, in Johnson County, except for medicinal purposes.

Section 1. Be it enacted by the Legislature of the State of Texas, That if any person shall, within five miles of Oakland College, in Johnson county, in this State, sell any ardent or spirituous liquors, except for medicinal purposes, in any quantities whatever, such person shall, upon conviction thereof, be deemed guilty of a misdemeanor, and fined in any sum not less than two hundred dollars, and not more than one thousand dollars, and the jury trying the same may add imprisonment in the county jail, not exceeding three months.

Sec. 2. That if any person shall, within the district prescribed in the first section of this Act, give, barter or exchange, any ardent or spirituous liquors, to any one, with intent to evade the provisions of this law, such person shall be deemed guilty of a like misdemeanor, and, on conviction thereof, subject to the penalties prescribed in the first section of this Act; and proof by the State of the delivery of liquors, the sale of which is herein prohibited within said district, shall be deemed prima facie evidence of intent to avoid or evade the provisions of this Act; and it shall not be necessary for the State, in any indictment under this Act, to allege or prove that liquor sold, given, bartered or exchanged, was not for medical purposes.

Sec. 3. That all laws and parts of laws in conflict with the provisions of this Act, be, and the same are hereby repealed.

Passed November 10, 1866.

CHAPTER CXXXV.

An Act to exempt certain property therein named from forced sale.

Section 1. Be it enacted by the Legislature of the State of Texas, That there shall be reserved to every citizen, head of a family, or householder being a citizen, in this State, free and independent of the power of a writ of fieri facias, or other execution, issuing from any Court of competent jurisdiction whatever, two hundred acres of land, including his or her homestead, (not included in a town or city,) or any town or city lot or lots, in value not to exceed two thousand dollars, at the time of their destination as a homestead, nor shall the subsequent increase in the value of the homestead, by reason of improvements or otherwise, subject the same to forced sale; household and kitchen furniture, not to exceed five hundred dollars in value; all implements of husbandry; all tools, apparatus and books, belonging to any trade or profession; five milch cows, two yoke of work oxen, and two horses, one wagon, twenty hogs, twenty head of sheep, and one year's supply of provisions; all saddles, bridles and harness necessary for the use of the family.

Sec. 2. There shall, in like manner, be reserved to every citizen, not a head of a family, the following property, to-wit: One horse, bridle and saddle; all wearing apparel; all tools, books and apparatus belonging to his trade or profession.

Sec. 3. That all laws and parts of laws contravening the provisions of this Act, be, and the same are hereby repealed; and this Act take effect from and after its passage.

Passed November 10, 1866.

CHAPTER CXXXVI.

An Act further providing for the introduction of evidence in criminal cases.

Section 1. Be it enacted by the Legislature of the State of Texas, That in all criminal prosecutions, where the testimony of a witness has been reduced to writing, signed and sworn to, before an examining magistrate, or before any Court, and the witness has died since giving his testimony, the testimony so taken and reduced to writing may be read in evidence, by such

defendant, as proof of the facts therein stated, upon any subsequent trial for the same offence; Provided, however, That, in all other respects, the testimony of such deceased witness shall be subject to the established rules of evidence in criminal cases. In every case the death of the witness must be established to the satisfaction of the Court.

Sec. 2. That this Act take effect and be in force from and after its passage.

Approved November 10, 1866.

CHAPTER CXXXVII.

An Act to amend Article 529 of an Act to adopt and establish a Penal Code for the State of Texas, approved August 26th, 1856.

Section 1. Be it enacted by the Legislature of the State of Texas, That Article 529 of the above recited Act shall hereafter read as follows: "Whoever shall be guilty of rape, shall be punished by death, or by confinement in the Penitentiary for life, or for any term of years not less than five, in the discretion of the jury.

Approved November 10, 1866.

CHAPTER CXXXVIII.

An Act to define the duties of Receiving Clerk of the General Land Office and require him to give bond.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office shall, with the consent and approval of the Governor of the State, appoint a suitable person to act as Receiving Clerk for the Land Office; and the person thus appointed, shall, before entering upon the duties of his office, qualify and execute a bond in the sum of twenty-five thousand dollars, payable to the Governor

and approved by him, conditioned as other official bonds, for a faithful discharge of the duties of his office, which bond shall be filed in the office of the Secretary of State. It shall be the duty of the Commissioner of the General Land Office, upon the appointment and qualification of the Receiving Clerk as aforesaid, to turn over to him all of the money on hand in the office, together with the books, papers and vouchers to the cash account, and the Receiving Clerk shall be responsible for the same, upon his bond to the State or individual, and for any other funds paid into his hands, which the Commissioner was required by law to receive or to account for to the Treasury of the State of Texas.

Sec. 2. It shall be the duty of the Receiving Clerk to receive all funds that are required to be paid into the Commissioner by existing laws, and to give the persons depositing money, a certificate of deposit stating the amount, name of party, and character of claim upon which deposited, and if any funds are received of a general character in advance of fees and dues, and it shall be so stated, and the Receiving Clerk shall be responsible therefor to the State or individual. The Receiving Clerk shall keep a book or books, in which he shall enter each deposit separately, giving name of party, number of claim and situation of land sought to be perfected, and shall keep all letters or other vouchers filed in neat and regular order and number corresponding with his books, and shall make a report to the Treasury on the last day of each month of all funds in his hands due the State, paying the same in, and taking the receipt in his own name, in the same manner as heretofore required by law of the Commissioner.

Sec. 3. It shall be the duty of the Receiving Clerk to furnish the Governor of the State of Texas, on or before the meeting of the Legislature, with a correct report of the condition of his office, the money received, giving character of claim and the money paid out, giving character of payment; and it shall be his duty to keep separate columns in his books, showing the amount of specie, or the amount of currency or other funds paid in, and in his reports to the Treasury shall pay in kind all funds in his hands that belong to the State of Texas, and upon his removal or resignation, shall turn over his books, accounts and money in hand to his successor, when properly qualified, or to the Commissioner, taking a receipt for the same. The Commissioner shall, from time to time, examine the books and accounts of the Receiving Clerk, and note that they are properly kept, and if any defalcation is found, shall report the same to the

Governor of the State at once, who shall suspend him from office until an examination is made, and if found guilty shall be removed, and proceedings instituted upon his bond to recover whatever deficit may occur.

Sec. 4. That this Act shall take effect and be in force from and after its passage.

Approved November 10, 1866.

CHAPTER CXXXIX.

An Act supplementary to an act to organize the County Courts and to define their powers and jurisdiction, approved October 25th, 1866.

Section 1. Be it enacted by the Legislature of the State of Texas, That all civil and criminal causes in the County Court shall be called for trial in the order in which they stand on the docket; and shall be disposed of in such order, by trial, continuance or otherwise, as may be ordered by the Court. All civil causes in which service has been perfected, as provided by the law regulating proceedings in the District Courts, shall be subject to be called on Tuesday, the second day of the term of the Court, and unless the defendant or party required to plead shall have appeared and answered the petition, judgment may be entered by default.

Sec. 2. That this Act take effect from its passage.

Approved November 10, 1866.

CHAPTER CXL.

An Act authorizing the enclosure of the State Cemetery and making appropriation therefor.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of fifteen hundred dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated, out of any money in the Treasury not otherwise appro-

priated, for the purpose of enclosing so much of the lot set apart for a State Cemetery, as is hereinafter designated.

Sec. 2. That said enclosure shall include that portion of said Cemetery lot embraced within the following limits, to-wit:

Commencing at the southeast corner of said lot, thence along the south boundary westward to a point on said line from which a line run at a right angle and parallel with the east boundary of said lot, will include the graves of those now buried therein, thence to a point north of said graves, thence at a right angle to the intersection of the east boundary of said lot, and thence to the place of beginning. The enclosure shall be made of good, solid and straight cedar pickets, eight feet in length, and set in the earth two and a half feet, and five and a half feet above the surface of the earth, and shall be securely fastened upon the top by a strap one inch thick and three inches in width, nailed to the pickets. There shall be two gates or entrances to said enclosure eight feet in width, with gates having good iron hinges or hangings to posts set in the ground, and sufficiently high for the passage of carriages under a cross piece securely fastened to the top of said posts.

Sec. 3. That it shall be the duty of the Comptroller and Treasurer of the State, to let the contract for furnishing the material and making said enclosure to the lowest and best bidder, after giving thirty days notice thereof in some newspaper published in the city of Austin.

Sec. 4. That the contractor for said work shall give bond, with good and sufficient security, to be approved by the said Comptroller and Treasurer in the sum of three thousand dollars, for the faithful performance of the contract, within six months after entering into the same.

Sec. 5. That the Comptroller and Treasurer are hereby directed to give such supervision and control of the work as may be necessary to its proper construction, and when the same is satisfactorily completed, may be received by them; and they are also hereby authorized, during the progress of the work, to advance such amounts of the money appropriated by this Act, to said contractor, as in their discretion, shall appear just and equitable; provided, that no advance of money shall be made by them until at least one-fourth of said work shall be completed.

Sec. 6. That this Act take effect from its passage.

Approved November 10, 1866.

CHAPTER CXLI.

An Act to establish the Salaries of State Officers.

Section 1. Be it enacted by the Legislature of the State of Texas, That hereafter the annual salaries of State officers, and of others employed in State offices, shall be established and paid in United States currency, as follows; Provided, that all salaries shall be paid in the currency of the country.

	Dollars.	Cts.
Legislative.		
For pay of Members of the Legislature, each, per day..	8	00
For mileage thereof, for every twenty-five miles traveled in going to, and returning from the seat of Government, to be computed according to the usual traveled route	8	00
For pay of the Chief Clerk of the House of Representatives and Secretary of the Senate, each, per day.	8	00
For salary of all other officers thereof, each, per day...	6	00
For salary of Messengers and Pages thereof, each per day	2	00

Provided, That the provisions of this Act shall not apply to any of the Clerks, Pages, or other officers of this Legislature.

Judicial.		
For salary of five Judges of the Supreme Court, each..	4,500	00
For salary of fifteen Judges of the District Court, each,	3,500	00
For salary of fifteen District Attorneys, each	1,000	00
For salary of Attorney General	3,000	00

Executive.		
For salary of the Governor	4,000	00

	Dollars. Cts.
For salary of Private Secretary	1,500 00

State Department.

For salary of the Secretary of State	2,500 00
For salary of the Clerk	1,500 00

Comptroller's Office.

For salary of Comptroller	2,500 00
For salary of Chief Clerk	2,000 00
For salary of Book-keeper	1,600 00
For salary of four Clerks, each	1,400 00
For salary of Adjutant General	2,000 00

Treasurer's Office.

For salary of Treasurer	2,500 00
For salary of Book-keeper	1,600 00
For salary of one Assistant Clerk	1,400 00

General Land Office.

For salary of Commissioner	2,500 00
For salary of Chief Clerk	1,800 00
For salary of Receiver	1,800 00
For salary of file and Application Clerk	1,500 00
For salary of Examining Clerk	1,500 00
For salary of Translator	1,600 00
For salary of Chief Draftsman	1,700 00
For salary of six Assistant Draftsmen, each.....	1,500 00
For salary of six Assistant Clerks, each, one of whom shall annually compile a list of Patented Lands....	1,200 00

Asylums.

For salary of Superintendent of Lunatic Asylum.....	2,500 00
For salary of Superintendent of Deaf and Dumb Asylum	1,500 00
For salary of Superintendent of Blind Asylum	1,000 00

Dollars. Cts.

Penitentiary.

For salary of Superintendent	2,500 00
For salary of Financial Agent	2,500 00
For salary of three Directors, each	375 00
For salary of Chaplain	500 00
For salary of Physician	700 00
For salary of Superintendent of Public Instruction...	2,500 00
For salary of Commissioner of Statistics	2,000 00

Sec. 2. That no greater number of persons shall be employed in the several State offices, than are herein stated, any law to the contrary notwithstanding; and that this Act take effect on the first day of January next.

Approved November 10, 1866.

CHAPTER CXLII.

An Act to Amend an Act entitled an Act to establish a Penal Code, approved August 26th 1856.

Amend Part II, Title XX, Chapter XI:

Article 773 b. 3 a. The obtaining, by any person, under false pretenses, or by deceit, the possession of any money, gold or silver, any bond, bill, circulating as money, or any circulating medium current as money, property of another, with the intent to deprive the owner thereof of the value thereof, or to apply the same, or the value thereof, to his, the offender's own use.

Part II, Title X, Chapter IV:

Article 350 a. Any Clerk of the District Court, or County Court of any county in this State, who shall be indicted for and convicted of malfeasance in office, shall be removed from office by an order, entered of record by the Judge of the Court trying said case; habitual drunkenness, shall constitute malfeasance in office, under the provisions of this Act.

Approved November 10, 1866.

CHAPTER CXLIII.

An Act to amend the 11th Section of an Act to authorize the sale of the public domain, approved 11th of February, 1858, and to repeal the 2d Section of an Act amending the 1st and 11th Sections of an Act authorizing the sale of the public domain, approved 11th of February 1858, approved 1st of January, 1862; also, to repeal an Act authorizing the sale of the public domain, approved March 4th, 1863.

Section 1. Be it enacted by the Legislature of the State of Texas, That the 11th section of said Act, approved 11th of February, 1858 shall hereafter read as follows:

Section 11. That all monies received under the provisions of this Act shall be paid into the State Treasury by the Commissioner of the General Land Office, quarterly, one half to be added to the common school fund, and the other half to the State revenue.

Sec. 2. That an Act authorizing the sale of the public domain, approved 4th of March, 1863, and the 2d section of an Act amending the first and eleventh sections of an Act authorizing the sale of the public domain, approved 11th of February, 1858, approved the 1st of January, 1862, be, and the same are hereby repealed.

Sec. 3. That this Act take effect and be in force from and after its passage.

Approved November 10, 1866.

CHAPTER CXLIV.

An Act granting three hundred and twenty acres of land to the Muscogee Indians.

Section 1. Be it enacted by the Legislature of the State of Texas, That three hundred and twenty acres of land, out of any of the unappropriated public domain of the State, be, and the same is hereby set apart to the Muscogee Indians, as a home for said Indians.

Sec. 2. That John R. Johnson and Robert J. Rowe, of Polk county, be, and they are hereby appointed to select the land set apart in the 1st section of this Act, and cause the same to be surveyed, and the field notes returned to the General Land Office,

the land to be selected out of the vacant lands in Polk county; provided, suitable lands can be found in said county.

Sec. 3. That as soon as the field notes, as provided for in the preceding section, have been returned to the General Land Office, the Commissioner of the General Land Office shall issue a patent for the land selected, to Bill Blunt, the Chief of the Muscogee Indians, to be held in trust for said Indians, as a home for them; provided, that whenever the said tract of land shall cease to be occupied by said Indians, that the same shall revert to the State, and again become a part of the public domain.

Sec. 4. That the expense of surveying, returning the field notes and patenting the said land, shall be paid by the State, out of any monies in the Treasury, not otherwise appropriated, and that this Act take effect and be in force from and after its passage.

Approved November 12, 1866.

CHAPTER CXLV.

An Act of limitations of suits against all persons for certain acts done, and payments made during the late war.

Section 1. Be it enacted by the Legislature of the State of Texas, That all actions or suits in all cases in which cause therefor now exists by law, against any person or persons, for or concerning any act or thing done during the recent war, under de facto authority, color or bona fide claim of authority, military or civil, from the Confederate States of America, or Courts thereof, or the State of Texas, or under officers or agents exercising authority under either of them; and also, all suits or actions to recover any money paid to any receiver of the Confederate States, shall be commenced and sued within six months from the passage of this Act, or the same shall be forever barred, and the averments of such authority, bringing the case within the operation of this Act, may be made either by petition or answer; provided, that nothing contained in this Act shall be so construed as to give any cause of action, or any case where the same is not now given by law.

Sec. 2. That this Act take effect and be in force from and after its passage.

Approved November 12, 1866.

CHAPTER CXLVI.

An Act Regulating Public Schools.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Police Court shall be a Board of School Commissioners for each county, whose duty it shall be at the first session of said court, in 1867, to form their respective counties into school districts of convenient size, and number the same, so that each district may be known by its number; Provided, however, that in forming said districts, the convenience of neighborhoods shall be regarded as much as possible, and each school district shall contain a sufficient number of children for the maintenance of a school. It shall, at the same time, order an election by the qualified voters of each school district, for three Trustees for each district, giving ten days' notice of such election, by posting up advertisements of the same, at one public place, at least, in each district, stating fully the times and places of holding, and the object of said election.

Sec. 2. The County Judge shall appoint a suitable person in each district, to preside at the election in his district, who shall make his returns within ten days to said County Judge, said election being governed in all other respects by the laws regulating elections; and he shall order new elections to be held until Trustees are elected, and school houses are located. The Trustees so elected shall hold office until the first of August, 1868, but thereafter shall be elected annually; they shall select from their number a chairman, who shall, when necessary, call a meeting of the Trustees, preside at their deliberations, and perform such other duties as may hereafter be assigned him. Said Trustees shall be bodies corporate and politic, by the corporate names of "The Trustees of Common School District No. —, (filling the blank with the number of the district.) and for the purposes for which they are created, may sue and be sued, hold and dispose of property, and do such acts and things as are incident and necessary to the performance of their duties.

Sec. 3. It shall be the duty of the District Trustees to fix the time and place for holding an election in their respective districts, for the location or selection of school houses within their respective districts, and to appoint a presiding officer. That he chairman of the Board of Trustees shall cause written notices of said election to be posted up for at least five days next preceding the election, in three public places in each

school district. That the returns of said election shall be made within five days, to the chairman of said board, who shall examine the same, in the presence of his co-trustees; and a majority of the votes polled in a district, shall be necessary to the permanent location of a school house; and no change of the location of a school house thus located, shall be made, except by a majority of two-thirds of those voting in such election, taken after due notice as above provided.

Sec. 4. The Police Court shall distribute the funds to which each school district may be entitled, to the District Trustees of the same, which may be applied to the erection of good and substantial school houses, or to the payment of tuition, as a majority of the Trustees may determine.

Sec. 5. It shall be the duty of the School Trustees, for each district, as early as practicable after their election, by giving due notice, to call a meeting of all the patrons of the school in the district, and a majority of those present shall indicate to the Trustees the length of time during the year they desire a school, the kind of teacher they want, and the amount of salary they are willing to pay. It shall be the duty of said Trustees to observe, as far as possible, such instructions, to employ teachers of suitable moral character and qualifications, to visit from time to time, the district school, or schools, under their charge, to expel a pupil for misconduct, to examine all complaints between teacher and pupil of a serious character, to discharge a teacher for incapacity, or improper conduct, and generally to exercise supervision over the affairs of the school within their district.

Sec. 6. It shall be the duty of the chairman of the Board of Trustees for each school district, to present, at least once a year, his application to the County Judge of his county, for such amount of the public school fund as his district may be entitled to receive, according to the number of children between the ages prescribed, within his district, and the said County Judge, having duly informed himself that the same is correct, shall draw upon the County Treasurer an order, under his hand and seal of the Police Court, for the amount so due, and applied for.

Sec. 7. No county shall be entitled to receive its portion of the school fund, until after a return of its scholastic population.

Sec. 8. Nothing in this Act shall prevent the Trustees of any school district, after being instructed by a majority of the patrons of schools in such district, from employing the Teacher of a primary department in any college, or academy, and con-

verting such primary department into a common school for such district.

Sec. 9. It shall be the duty of the Assessor and Collector of each county in the State, during each and every year hereafter, to make out a list of all the free white population in his county, between the ages of six and eighteen years, and transmit the same, under his official signature, to the County Clerk of the county, and a certified copy to the Treasurer of the State, on or before the first day of July in each and every year.

Sec. 10. It shall be the duty of the Clerk of the Police Court to file and preserve in his office the list aforesaid, furnished by the Assessor and Collector. It shall be the duty of the Treasurer of the State to ascertain from the abstracts transmitted to him by the Assessor and Collector, the aggregate population between the ages of six and eighteen years. And the public school fund shall be apportioned among the different counties in the State, according to the number of scholastic population in each county, subject to the order of the Police Courts, and payable to the respective County Treasurers, upon the order of the Police Court, under the hand of the County Judge and seal of the Court; or such amount to be placed to the credit of the Assessor and Collector of taxes of such county, upon his payment into the Treasury of his county, the amount so appropriated to such county, and filing the receipt of the County Treasurer, acknowledged by the said Treasurer before the Clerk of the Police Court, and by the said Clerk duly certified under his hand, and the seal of his Court, with the Treasurer of the State.

Sec. 11. The Assessor and Collector of each county, for the year 1867, and all succeeding years, shall receive for his compensation for discharging the duties imposed upon him by this Act, twelve cents per child for two hundred children or less; eight cents per child for all less than three hundred and more than two hundred; six cents per child for all less than four hundred and more than three hundred; five cents per child for all less than five hundred and more than four hundred; four cents per child for all less than a thousand and more than five hundred; three cents per child for two thousand and more than one thousand; two cents for all over two thousand; and should the Assessor and Collector refuse or fail to take and report the census of the children as required by this Act, he shall forfeit the whole of the compensation allowed, and be fined not less than twenty-five nor more than one hundred dollars, at the discretion of the Police Court; and in case of failure, from any cause what-

ever, of the Assessor and Collector, in making a report of the census of his respective county, to the Police Clerk, on or before the first day of July in each year, the Police Courts shall be authorized to appoint some suitable (person to) perform said labor, who shall be entitled to the same compensation as allowed to Assessors and Collectors under this Act; provided he makes his returns by the first day of September following. Assessors and Collectors, or other persons appointed to take the census of scholastic population, shall not be entitled to compensation for their services, unless their returns are made within the time prescribed by this Act.

Sec. 12. The Treasurer of the State shall be ex-officio, Treasurer of the public school fund. It shall be his duty after the first day of the fiscal month, in each and every year, to record the abstracts of children of lawful age, in different counties, apportion the money as herein contemplated, distributing to the several counties the amount to which each is entitled, according to its scholastic population. And it shall be the duty of the Treasurer to keep a correct account of all the monies and matters appertaining to the school fund, and report to the Governor annually, at the close of the fiscal year, the condition of the school fund, and distribution of monies. That the fiscal scholastic year shall commence and end upon the fiscal year of the State Treasury; that the Police Court of each county, after ascertaining the scholastic population, shall make a return of the same to the State Treasurer, who, upon the order of the Police Court, under the seal of their offices, shall pay over to said Police Courts, or their order, their distributive shares of the interest of the school fund.

Sec. 13. In every case where a school claiming the benefit of this Act is attended by scholars who reside in a county other than that in which the school is taught, the Trustees of such school may report to the Police Courts of the several counties where the scholars reside, and shall be entitled to a distributive share of the county school fund in the same manner as if the school were taught in the county of the residence of such scholars.

Sec. 14. There shall be appointed, by the Police Court of each county, a board of school examiners, consisting of five persons, three of whom shall constitute a quorum, authorized to act, who shall, upon application, examine all persons proposing to teach public schools within the limits thereof; and upon finding, after examination, such applicant properly qualified to discharge the duties of a teacher, shall grant him or her a certifi-

cate, stating the branches he or she is qualified to teach; and no teacher shall be employed, or permitted to teach, in any school whatever, in this State, until such teacher has obtained a certificate of qualification from said school examiners; and it is hereby made the duty of the school examiners of each county to exercise a supervision over the schools of their respective counties, and to require that all schools be conducted in accordance with the provisions of this Act.

Sec. 15. No school shall be entitled to the benefits of this Act unless the English language is principally taught therein.

Sec. 16. The Treasurer of the State shall furnish forms for reports of the several Police Courts and County Treasurer, which forms shall be followed in making their several reports; and the said Treasurer shall cause a sufficient number of said forms, together with this law, to be printed, as will furnish ten copies for each Police Court in the State.

Sec. 17. The County Treasurer of each county shall give bond, with two or more securities, payable to the county, in twice the amount of the school fund to which the county shall be entitled, so soon as the County Judge shall be notified by the Treasurer of the State, of the amount to which his county is entitled, which bond shall be conditioned, that he will, well and faithfully, keep an account of the money to him committed, as a school fund for his county, and pay over the same, only upon the order of the County Judge of the county, under his hand and the seal of the Police Court. He shall keep an accurate account of all monies received and paid out by him, to register and number all orders by him paid, or accepted to be paid. He shall, between the first and tenth of the fiscal month of the Treasury of each year, renew his bond; and all suits upon such bonds shall be in the name of the county, and in other respects they shall be governed by the laws regulating the bonds of County Treasurer.

Sec. 18. That all laws, and parts of laws, in conflict with the provisions of this Act, be, and the same are hereby repealed, and this Act take effect and be in force from and after its passage.

Approved November 12, 1866.

CHAPTER CXLVII.

An Act prescribing the times of holding the District Courts in the several Judicial Districts in the State, and changing the numbers thereof in certain cases.

Section 1. Be it enacted by the Legislature of the State of Teexas, That the District Courts of the several Judicial Districts of the State be holden at the times hereinafter prescribed.

Sec. 2. That the District Courts of the First Judicial District shall be holden at the times hereinafter specified, to-wit:

In Colorado County on the first Mondays in March and October, and may continue in session two weeks.

In Fort Bend county on the second Mondays after the first Mondays in March and October, and may continue in session two weeks.

In Brazoria county on fourth Mondays after the first Mondays in March and October, and may continue in session two weeks.

In Matagorda county on the sixth Mondays after the first Mondays in March and October, and may continue in session one week.

In Wharton county on the seventh Mondays after the first Mondays in March and October, and may continue in session two weeks.

In Austin county on the ninth Mondays after the first Mondays in March and October, and may continue in session two weeks.

In Fayette county on the eleventh Mondays after the first Mondays in March and October, and may continue in session until business is disposed of.

Sec. 3. That the District Courts of the Second Judicial District shall be holden at the times hereinafter specified, to-wit:

In the county of Travis, on the first Mondays in March and September in each year, and may continue in session four weeks.

In the county of Williamson on the fourth Mondays after the first Mondays in March and September, and may continue in session two weeks.

In the county of Burnet on the sixth Mondays after the first Mondays in March and September, and may continue in session one week.

In the county of Blanco on the seventh Mondays after the first Mondays in March and September, and may continue in session one week.

In the county of Hays on the eighth Mondays after the first

Mondays in March and September, and may continue in session one week.

In the county of Guadalupe on the ninth Mondays after the first Mondays in March and September, and may continue in session three weeks.

In the county of Caldwell on the twelfth Mondays after the first Mondays in March and September, and may continue in session two weeks.

In the county of Bastrop on the fourteenth Mondays after the first Mondays in March and September, and may continue in session three weeks.

Sec. 4. That the District Courts of the Third Judicial District shall be holden at the times hereinafter specified, to-wit:

In the county of Milam on the first Mondays in March and September in each year, and may continue in session two weeks.

In the county of Burleson on the second Mondays after the first Mondays in March and September, and may continue in session two weeks.

In the county of Brazos on the fourth Mondays after the first Mondays in March and September, and may continue in session two weeks.

In the county of Washington on the sixth Mondays after the first Mondays in March and September, and may continue in session three weeks.

In the county of Harris on the ninth Mondays after the first Mondays in March and September, and may continue in session four weeks.

In the county of Galveston on the thirteenth Mondays after the first Mondays in March and September, and may continue in session until the business is disposed of.

Sec. 5. That hereafter the counties of Comal, Kendall, Gillespie, Llano, Mason, Kerr, Bandera, Uvalde, Medina, El Paso and Presidio, shall compose the Fourth Judicial District, the number thereof being changed from the Eighteenth to the Fourth; and the Judge and the District Attorney of the said Eighteenth District shall hereafter be the Judge and the District Attorney of the Fourth Judicial District.

Sec. 6. That the District Courts of the Fourth Judicial District shall be holden at the times hereinafter specified, to-wit:

In the county of Comal on the first Mondays in March and September, and may hold one week.

In the county of Kendall on the second Mondays in March and September, and may hold one week.

In the county of Gillespie on the third Mondays in March and September, and may hold two weeks.

In the county of Llano on the fourth Mondays after the first Mondays in March and September, and may hold one week.

In the county of Mason on the fifth Mondays after the first Mondays in March and September, and may hold one week.

In the county of Kerr on the sixth Mondays after the first Mondays in March and September, and may hold one week.

In the county of Bandera on the seventh Mondays after the first Mondays in March and September, and may continue in session one week.

In the county of Medina on the eighth Mondays after the first Mondays in March and September, and may hold three weeks.

In the county of Uvalde on the eleventh Mondays after the first Mondays in March and September, and may hold one week.

In the county of El Paso on the first and second Mondays in July in each year, and may hold one week.

In the county of Presidio on the first and second Mondays in August, and may hold one week: Provided, That if the county of Presidio should, at any time, be unorganized, it shall be attached to the county of El Paso, for judicial purposes, until it shall be reorganized.

Sec. 7. That hereafter the counties of Kaufman, Ellis, Hill, Johnson, Hood, Erath, Palo Pinto, Parker, Tarrant and Dallas, shall compose the Fifth Judicial District, the number thereof being changed from the Sixteenth to the Fifth; and the Judge and District Attorney of the said Sixteenth District shall hereafter be the Judge and District Attorney of the Fifth Judicial District.

Sec. 8. That the District Courts in the Fifth Judicial District shall commence and be holden as follows:

In the county of Kaufman on the second Mondays in February and August, and may continue in session two weeks.

In the county of Ellis on the second Mondays after the second Mondays in February and August, and may continue in session three weeks.

In the county of Hill on the fifth Mondays after the second Mondays in February and August, and may continue in session two weeks.

In the county of Johnson on the seventh Mondays after the second Mondays in February and August, and may continue in session two weeks.

In the county of Hood on the ninth Mondays after the second

Mondays in February and August, and may continue in session one week.

In the county of Erath on the tenth Mondays after the second Mondays in February and August, and may continue in session one week.

In the county of Palo Pinto on the eleventh Mondays after the second Mondays in February and August, and may continue in session one week.

In the county of Parker on the twelfth Mondays after the second Mondays in February and August, and may continue in session two weeks.

In the county of Tarrant on the fourteenth Mondays after the second Mondays in February and August, and may continue in session two weeks.

In the county of Dallas on the sixteenth Mondays after the second Mondays in February and August, and may continue in session until the business is disposed of.

Sec. 9. That the District Courts of the Sixth Judicial District shall be holden at the times hereinafter specified, to-wit:

In the county of Sabine on the second Mondays in February and August, and may continue in session two weeks.

In the county of San Augustine on the second Mondays after the second Mondays in February and August, and may continue in session two weeks.

In the county of Shelby on the fourth Mondays after the second Mondays in February and August, and may continue in session two weeks.

In the county of Panola on the sixth Mondays after the second Mondays in February and August, and may continue in session three weeks.

In the county of Rusk on the ninth Mondays after the second Mondays in February and August, and may continue in session five weeks.

In the county of Upshur on the fourteenth Mondays after the second Mondays in February and August, and may continue in session two weeks.

In the county of Harrison on the sixteenth Mondays after the second Mondays in February and August, and may continue in session until the business is disposed of.

Sec. 10. That hereafter the counties of Grayson, Fannin, Hunt, Collin, Denton, Wise, Jack, Young, Clay, Montague, and Cook, shall compose the Seventh Judicial District the number thereof being changed from the Twentieth to the Seventh: and the Judge and the District Attorney of the said Twentieth Dis-

trict shall hereafter be the Judge and District Attorney of the Seventh Judicial District.

Sec. 11. That the District Courts of the Seventh Judicial District, shall commence and be holden as follows:

In the county of Grayson on the first Mondays in February and August, and may continue in session three weeks.

In the county of Fannin on the third Mondays after the first Mondays in February and August, and may continue in session two weeks.

In the county of Hunt on the fifth Mondays after the first Mondays in February and August, and may continue in session two weeks.

In the county of Collin on the seventh Mondays after the first Mondays in February and August, and may continue in session three weeks.

In the county of Denton on the tenth Mondays after the first Mondays in February and August, and may continue in session two weeks.

In the county of Wise on the twelfth Mondays after the first Mondays in February and August, and may continue in session one week.

In the county of Jack on the thirteenth Mondays after the first Mondays in February and August, and may continue in session one week.

In the county of Young on the fourteenth Mondays after the first Mondays in February and August, and may continue in session one week.

In the county of Clay on the fifteenth Mondays after the first Mondays in February and August, and may continue in session one week.

In the county of Montague on the sixteenth Mondays after the first Mondays in February and August, and may continue in session one week.

In the county of Cooke on the seventeenth Mondays after the first Mondays in February and August, and may continue in session until the business is disposed of.

Sec. 12. That the District Courts in the several counties composing the Eighth Judicial District, shall be holden twice in each year, as follows:

Beginning in the county of Davis on the second Mondays after the first Mondays in February and August, and may continue in session two weeks.

In the county of Bowie on the fourth Mondays after the first

Mondays in February and August, and may continue in session two weeks.

In the county of Red River on the sixth Mondays after the first Mondays in February and August, and may continue in session three weeks.

In the county of Lamar on the ninth Mondays after the first Mondays in February and August, and may continue in session three weeks.

In the county of Hopkins on the twelfth Mondays after the first Mondays in February and August, and may continue in session two weeks.

In the county of Wood on the fourteenth Mondays after the first Mondays in February and August, and may continue in session two weeks.

In the county of Titus on the sixteenth Mondays after the first Mondays in February and August, and may continue in session two weeks.

In the county of Marion on the eighteenth Mondays after the first Mondays in February and August, and may continue in session until the business is disposed of.

Sec. 13. That the District Courts of the Ninth Judicial District shall be holden at the times hereinafter specified, to-wit:

In the county of Nacogdoches on the first Mondays in February and August in each year, and may continue in session two weeks.

In the county of Cherokee on the second Mondays after the first Mondays in February and August, and may continue in session four weeks.

In the county of Houston on the sixth Mondays after the first Mondays in February and August, and may continue in session three weeks.

In the county of Anderson on the ninth Mondays after the first Mondays in February and August, and may continue in session three weeks.

In the county of Henderson on the twelfth Mondays after the first Mondays in February and August, and may continue in session two weeks.

In the county of Van Zandt on the fourteenth Mondays after the first Mondays in February and August, and may continue in session two weeks.

In the county of Smith on the sixteenth Mondays after the first Mondays in February and August, and may continue in session until the business is disposed of.

Sec. 14. That the District Courts of the tenth Judicial District, shall be holden at the times hereinafter specified, to-wit:

In the county of Calhoun on the first Mondays in February and August of each year, and may continue in session two weeks.

In the county of Refugio on the second Mondays after the first Mondays in February and August, and may continue in session one week.

In the county of Goliad on the third Mondays after the first Mondays in February and August, and may continue in session two weeks.

In the county of Victoria on the fifth Mondays after the first Mondays in February and August, and may continue in session three weeks.

In the county of DeWitt on the eighth Mondays after the first Mondays in February and August, and may continue in session two weeks.

In the county of Gonzales on the tenth Mondays after the first Mondays in February and August, and may continue in session three weeks.

In the county of Lavaca on the thirteenth Mondays after the first Mondays in February and August, and may continue in session two weeks.

In the county of Jackson on the fifteenth Mondays after the first Mondays in February and August, and may continue in session until the business is disposed of.

Sec. 15. That hereafter the counties of Falls, Bell, Coryell, Hamilton, Lampasas, San Saba, Brown, Comanche, Bosque and McLennan, shall compose the Eleventh Judicial District, the number thereof being changed from the Nineteenth to the Eleventh, and the Judge and District Attorney of the said Nineteenth District, shall hereafter be the Judge and District Attorney of the Eleventh Judicial District.

Sec. 16. That the District Courts of the Eleventh Judicial District shall be holden at the times hereinafter specified, to-wit:

In the county of Falls on the first Mondays in March and September, in each year, and may continue in session two weeks.

In the county of Bell on the second Mondays after the first Mondays in March and September, and may continue in session two weeks.

In the county of Coryell on the fourth Mondays after the first Mondays in March and September, and may continue in session one week.

In the county of Hamilton on the fifth Mondays after the first Mondays in March and September, and may continue in session one week.

In the county of Brown on the sixth Mondays after the first Mondays in March and September, and may continue in session one week.

In the county of Lampasas on the seventh Mondays after the first Mondays in March and September, and may continue in session one week.

In the county of San Saba on the eighth Mondays after the first Mondays in March and September, and may continue in session one week.

In the county of Comanche on the ninth Mondays after the first Mondays in March and September, and may continue in session one week.

In the county of Bosque on the tenth Mondays after the first Mondays in March and September, and may continue in session two weeks.

In the county of McLennan on the twelfth Monday, after the first Mondays in March and September, and may continue in session until the business is disposed of.

Sec. 17. That the District Courts for the counties composing the twelfth Judicial District, shall commence and be holden as follows:

In the county of Maverick on the first Mondays of January and June of each year, and continue in session one week.

In the county of Webb on the second Mondays after the first Mondays in January and June, and may continue in session two weeks.

In the county of Zapata on the sixth Mondays after the first Mondays in January and June, and may continue in session one week.

In the county of Starr on the seventh Mondays after the first Mondays in January and June, and may continue in session two weeks.

In the county of Hidalgo on the ninth Mondays after the first Mondays in January and June, and may continue in session two weeks.

In the county of Cameron on the eleventh Mondays after the first Mondays in January and June, and may continue in session until the business is disposed of.

Sec. 18. That the District Courts in the Thirteenth Judicial District shall commence and be holden as follows:

In the county of Freestone on the first Mondays in March and September, and may continue in session two weeks.

In the county of Navarro on the second Mondays after the first Mondays in March and September, and may continue in session two weeks.

In the county of Limestone on the fourth Mondays after the first Mondays in March and September, and may continue in session one week.

In the county of Robertson on the fifth Mondays after the first Mondays in March and September, and may continue in session three weeks.

In the county of Walker on the eighth Mondays after the first Mondays in March and September, and may continue in session three weeks.

In the county of Montgomery on the eleventh Mondays after the first Mondays in March and September, and may continue in session two weeks.

In the county of Grimes on the thirteenth Mondays after the first Mondays in March and September, and may continue in session two weeks.

In the county of Madison on the fifteenth Mondays after the first Mondays in March and September, and may continue in session one week.

In the county of Leon on the sixteenth Mondays after the first Mondays in March and September, and may continue in session two weeks, or until the business is disposed of.

Sec. 19. That the District Courts of the fourteenth Judicial District shall be holden at the times hereinafter specified, to-wit:

In the county of Nueces on the first Mondays in April and October, of each year, and may continue in session three weeks.

In the county of San Patricio on the third Mondays after the first Mondays in April and October, and may continue in session one week.

In the county of Live Oak on the fourth Mondays after the first Mondays in April and October, and may continue in session one week.

In the county of Bee on the fifth Mondays after the first Mondays in April and October, and may continue in session one week.

In the county of Karnes on the sixth Mondays after the first Mondays in April and October, and may continue in session two weeks.

In the county of Wilson on the eighth Mondays after the first

Mondays in April and October, and may continue in session one week.

In the county of Atascosa on the ninth Mondays after the first Mondays in April and October, and may continue in session two weeks.

In the county of Bexar on the eleventh Mondays after the first Mondays in April and October, and may continue in session until the business is disposed of.

Sec. 20. That the District Courts of the fifteenth Judicial District shall commence in Chambers county on the first Mondays in February and August, and may continue in session one week.

In Liberty county on the second Mondays in February and August, and may continue in session two weeks.

In Polk county on the second Mondays after the second Mondays in February and August, and may continue in session two weeks.

In Trinity county on the fourth Mondays after the second Mondays in February and August, and may continue in session two weeks.

In Angelina county on the sixth Mondays after the second Mondays in February and August, and may continue in session two weeks.

In Jasper county on the eighth Mondays after the second Mondays in February and August, and may continue in session two weeks.

In Newton county on the tenth Mondays after the second Mondays in February and August, and may continue in session one week.

In Orange county on the eleventh Mondays after the second Mondays in February and August, and may continue in session one week.

In Jefferson county on the twelfth Mondays after the second Mondays in February and August, and may continue in session one week.

In Hardin county on the thirteenth Mondays after the second Mondays in February and August, and may continue in session one week.

In the county of Tyler on the fourteenth Mondays after the second Mondays in February and August, and may continue in session until the business is disposed of.

Sec. 21. That this Act take effect and be in force from and after the 31st day of December, 1866, and that all laws and

parts of laws, conflicting with the provisions of this Act, be, and the same are hereby repealed.

Approved November 12, 1866.

CHAPTER CXLVIII.

An Act amendatory of an Act to establish the University of Texas, approved February 11, 1858.

Section 1. Be it enacted by the Legislature of the State of Texas, That section 1st is hereby amended so as to read as follows: That there is hereby established within this State an institution of learning to be styled "The University of Texas," to be located at such place as the administrators shall select, and in such manner as may hereinafter be determined.

Sec. 2. That section 2d is hereby amended as follows: The sum of one hundred and nine thousand four hundred and seventy-two dollar and twenty-six cents, which was transferred from the University account to the State revenue account, under the provisions of an Act passed January 3d, 1860, be, and the same is hereby required to be again placed to the credit of the University fund, in conformity with Section 1 of an ordinance of the late Convention, securing the Common School and University Fund, and for other purposes; and it is hereby made the duty of the Comptroller to execute a State bond for that sum, bearing interest at the rate of five per cent. per annum, and when executed, the same is hereby set apart and appropriated to the establishment and maintenance of the same. One-half of the proceeds of the fifty leagues of land, which, by the Act of January 26th, 1839, entitled "An Act appropriating certain lands for the establishment of a general system of education," were set apart and appropriated for the establishment and endowment of two Colleges or Universities, are hereby set apart and appropriated to the establishment and maintenance of the University of Texas, the remainder to be reserved for the benefit of a similar University, which, at some future time, may be necessary to be established in a different portion of the State.

Sec. 3. That section 4th is hereby amended as follows: The following branches of learning shall be taught at the University, viz: Ancient and Modern Languages; the different branches of Mathematics; pure and physical Natural Philosophy, Chemistry, Mineralogy and Geology; the science and art of Agriculture.

Botany, Surgery and Medicine, including Medical Jurisprudence; Zoology, History, Ethics, Rhetoric, and Belles-Letters; the principles of Government; Political Economy; Natural, International and Municipal Law; Civil and Military Engineering and Mechanics; and a system of normal schools shall be added thereto. There shall also be a course of instruction delivered on the science and art of War, in order to qualify the students to perform efficiently their duty in the militia—to enable them to read understandingly the great battles of the world, which have decided the fate of empires, and influenced the progress of civilization of nations.

Sec. 4. Section 6th is amended as follows: The administrators shall have the power to appoint and fix the salaries of the Chancellor, professors, instructors and officers of the University, and prescribe the course of instruction and discipline to be used in the same. They shall meet at least once in every year for the transaction of business, and shall keep a record of their proceedings. Five of the administrators, with the Governor of the State, or the Chief Justice, lawfully convened, shall constitute a quorum; they shall have a Secretary, to be elected by them, and shall have power to make all regulations which to them shall seem expedient for carrying into effect the designs contemplated by the establishment of the University, not inconsistent with the law of the State.

Sec. 5. Section 9th is hereby amended as follows: Instruction at the University shall be free, and no preliminary examination as to proficiency shall be required, except for the establishment of a reputable moral character, to entitle any person to all the benefits of instruction in the University; nor shall any student be required to pursue any branch of study contrary to the wishes of his parents or guardians, expressed in writing.

Sec. 6. Section 10th is hereby amended as follows: A committee of five on the part of the House, and three on the part of the Senate, shall be appointed by the Legislature, at each session, to attend the annual examinations of the students of the University, and report to the Legislature thereon.

Sec. 7. Section 13th is hereby amended as follows: So soon as the location of the University is determined upon, it shall be the duty of the administrators to proceed to the construction of the necessary buildings, and for that purpose shall procure the services of a competent architect, who shall superintend the work: such plan and design shall embrace rooms to serve as cabinets, museums, lecture rooms, and a public academical hall,

as shall not be inconsistent with the addition of wings and other structures hereafter, without marring the architectural beauty and fitness of the whole. The contracts for the buildings shall require the performance of the work, under ample security for its fitness and faithfulness. Nothing in this section shall authorize the employment of the funds of the University, in the erection of houses for officers of the University or dormitories for students.

Sec. 8. All laws and parts of laws contravening the provisions of this Act, be, and the same are hereby repealed; and this Act shall take effect and be in force from and after its passage.

Approved November 12, 1866.

CHAPTER CXLIX.

An Act amendatory of and supplemental to an Act entitled an Act to establish a Penal Code for the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Penal Code be, and the same is hereby amended, by inserting therein the following Articles, to-wit:

Part II. Title XX. Chapter IX.

Article 766, a. If any person shall wilfully take into possession and drive, use or remove from its accustomed range, any live stock not his own, without the consent of the owner, and with the intent to defraud the owner thereof, he shall be deemed guilty of theft, and on conviction thereof, shall be confined in the penitentiary not to exceed two years, or fined in a sum not to exceed one thousand dollars, or by both fine and imprisonment, at the discretion of the Court and jury trying the case.

Article 766, b. If any person shall wilfully kill, or destroy, or drive, or remove from its accustomed range, any live stock not his own, without the consent of the owner, under such circumstances as not to constitute theft, he shall, nevertheless, be guilty of misdemeanor, and shall be punished by fine not exceeding double the value of such stock.

Article 766, c. Nothing in the two preceding articles shall be construed to prevent any person from driving his own, and other stock, which may be mixed therewith, until the same can be conveniently separated; provided, that nothing herein shall be construed to authorize any person, under any circumstance, to remove any live stock, not his own, from their usual range.

Article 766, d. In any prosecution under the three preceding Articles, it shall only be necessary to prove the act of killing, or destruction, or driving, using or removing from the range, of any stock not belonging to or under the control of the accused, and it shall devolve upon the accused to show any fact under which he can justify or mitigate the offence.

Article 767, a. If any person shall mark or brand any unmarked or unbranded stock, with a mark and brand not upon record, he shall be guilty of a misdemeanor, and shall be punished, on conviction thereof, by fine equal to double the value of such stock: and any person who shall kill any unmarked or unbranded animal, sheep, hog, goat, cow, calf, ox or beef steer, not his own, although the owner of such animals be unknown, shall be guilty of a misdemeanor, and on conviction thereof, shall be punished by fine not less than twenty-five dollars, nor more than one hundred dollars, or sentenced to hard labor on public works of the county or State, not less than three nor more than six months, at the discretion of the Court and jury trying the case.

Article 767, b. If any person shall alter or change any mark or brand upon any stock of his own, or any that is under his control, without first having such mark or brand recorded, shall be deemed guilty of a misdemeanor, and on conviction thereof, may be fined an amount equal to double the value thereof, as the circumstances shall require: provided, that this Article shall not include counter-branding.

Article 769, a. If any person without the consent of the owner, shall take up, use or milk any cow not his own, he shall, for every such offence be punished by fine, not exceeding ten dollars.

Sec. 2. That this Act take effect and be in force from and after the 1st day of January, 1867.

Approved November 12th, 1866.

CHAPTER CL.

An Act to authorize the Governor to appoint a suitable person to collect the arms and munitions, and other property in the hands of individuals, belonging to the State, and to sell the same.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Governor be, and he is authorized to appoint a

suitable person to collect all the arms and munitions, and all other property belonging to the State of Texas, which may be in the hands of individuals, without authority to retain the same.

Sec. 2. The person so appointed, shall, when so directed by the Governor, sell at public auction, all of the unserviceable arms and munitions, and all other property belonging to the State, which may be recovered, and which the Governor may consider expedient to be sold, and shall retain out of the proceeds of the sale, as compensation for his services, an amount not exceeding fifteen per cent. upon the amount of said sales.

Sec. 3. That this Act take effect from its passage.

Approved November 12, 1866.

CHAPTER CII.

An Act to provide for the publication of the decisions of the Supreme Court, and the appointment of a Reporter thereof.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Supreme Court is authorized and required to appoint one or more Reporters of its decisions, who shall be subject to removal by said Court for any inefficiency or neglect of duty.

Sec. 2. It shall be the duty of the Reporter to prepare for publication, under the direction of the Supreme Court, the decisions thereof, and cause the same to be printed and published with promptness, as fast as there shall be a sufficient number to form a volume, and shall deliver to the Secretary of State, for the use of the State, four hundred copies of each volume of the reports.

Sec. 3. Each volume shall contain an average number of pages of the volumes of Texas Reports heretofore published, and each page shall contain the number of lines, and each line the same number of "ems," as are contained in each page and line of Moore and Walker's Reports, heretofore published. The type shall be of the same kind, and the paper, press work, execution and binding shall be of the same style, and of at least equal quality in every respect with the volumes of Moore and Walker's Reports, heretofore published. They shall be styled the "Texas Reports," and shall be so styled on the title page and back thereof, and the numbers of the volumes shall be continued on

progressively. The name of the Reporter may be printed on the back, as on the volumes published by Moore and Walker.

Sec. 4. The Reporter shall be entitled to receive in payment for the four hundred copies of each volume, delivered as aforesaid, the following compensation, viz: When the printing, publishing and binding have been done within the limits of this State, he shall be entitled to receive the sum of six dollars in specie, or its equivalent in currency, per page, for as many pages as shall be contained in one copy of each volume so delivered. When the printing, publishing and binding have been done outside the limits of this State, then he shall be entitled to receive the sum of five dollars and fifty cents, in specie, or its equivalent in currency, per page, for as many pages as shall be contained in one copy of each volume so delivered.

Sec. 5. As soon as the opinions are recorded, the originals, together with the records and papers in each case to be reported, shall be delivered to the Reporter, upon his giving a receipt therefor, who shall return them to the respective Clerks from whom he received them, when he shall have finished using them.

Sec. 6. When the Reporter shall have delivered to the Secretary of State the copies of a volume of the Reports, as required by this Act, the Comptroller of Public Accounts shall draw his warrant upon the State Treasurer for the amount of compensation due such Reporter, based upon the certificate of the Secretary of State, that the Reporter has delivered to him four hundred copies of the ——— volume of the Texas Reports, containing ——— pages, printed, published and bound in accordance with the provisions of this Act.

Sec. 7. The provisions of this Act shall apply to the Reporters heretofore appointed, before or during the war, who were entitled to, or had unpublished decisions in their possession; such Reporters are entitled to such unpublished decisions and accompanying records and papers, for the purpose of preparing and publishing the same, and they shall be entitled to all the rights and compensations therefor, provided for by this Act, and shall proceed and publish the said decisions as early as practicable. Provided, that nothing in this Act shall be construed to authorize the publication of decisions in cases of habeas corpus or other military cases, decided during the years 1861, 1862, 1863, 1864 and 1865, except such as have been heretofore printed in pamphlet form, entitled "synopsis of Texas Reports;" this synopsis of Texas Reports to be embraced and included in a volume of the Reports exactly in the words now contained in said synopsis; and provided further, that hereafter only such cases shall be

reported as shall be designated by the Supreme Court for publication.

Sec. 8. A sufficient amount of money, out of any money, not otherwise appropriated, is hereby appropriated for the purpose of paying the Reporters, in accordance with this Act, for the copies of the volumes required to be delivered, containing the unpublished decisions heretofore rendered, and those that may be rendered within the next two years.

Sec. 9. All laws and parts of laws contravening the provisions of this Act, be and the same are hereby repealed; and this Act shall take effect and be in force from and after its passage.

Approved November 12 1866.

CHAPTER CLII.

An Act supplementary to an Act authorizing the disposition and sale of the University Lands, approved August 30, 1856.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office, be, and he is hereby prohibited from issuing patents upon locations made upon portions of land cut off, and left out of the leagues originally surveyed as University Lands, upon the re-surveys made in subdividing and sectionizing said original University Leagues.

Sec. 2. That the portions of the said original University Leagues, cut off and left out upon the re-surveys of said leagues, are declared to be a part of the University Lands, and shall be divided and sold as other University Lands, in accordance with the provisions of said Act to which this is supplementary.

Sec. 3. That in cases where, from the re-surveys of the original University Leagues, the same are found to be in conflict with older surveys, made by virtue of valid certificates, the Commissioner of the General Land Office is authorized to have the conflicting sections re-surveyed, so as to leave off the conflict; and when the said conflicting tracts have been sold, without regard to such conflict, the Treasurer of the State is authorized to deduct from the amount of the notes executed for the purchase money, the amount due for the land in conflict with older surveys, and which may be left off by the re-surveys authorized herein.

Sec. 4. The sum of eight hundred dollars, or so much thereof as may be necessary, is hereby appropriated to pay for the

surveying authorized by this Act, and also to pay for the surveying of the University Lands, which have not heretofore been divided and sectionized, to be paid out of any monies in the Treasury belonging to the University fund; Provided, that no money shall be paid for the surveying until the Commissioner of the General Land Office shall have examined the work, and approved the same, and endorsed his approval upon the account.

Sec. 5. The sum of one thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any monies in the Treasury belonging to the University fund, to pay for the services of such agents as the Governor may appoint, to conduct the sales authorized to be made by this Act, and the Act to which this is supplementary; and also to pay for the advertising of such sales; Provided, the accounts of such agents shall state the number of days each agent may have been actually employed in discharging the duties of his appointment, be sworn to by such agent, and approved by the Governor.

Sec. 6. The lands authorized to be sold by this Act, and the aforesaid Act to which this is supplementary, shall not be sold for a less price than three dollars, specie, or its equivalent in currency, per acre,

Sec. 7. That this Act take effect and be in force from and after its passage.

Approved November 12, 1866.

CHAPTER CLIII.

An Act to Provide for the Employment of Convict Labor on Works of Public Utility.

Section 1. Be it enacted by the Legislature of the State of Texas, That persons now convicted of offences, and incarcerated in the State Penitentiary, or who shall hereafter be convicted of offences, for which the punishment is confinement in the Penitentiary, shall be divided into two classes, in the manner, and for the purposes hereinafter set forth.

Sec. 2. Persons now convicted, or who shall be hereafter convicted of the crimes of murder, arson, rape, horse stealing, burglary, perjury or robbery, shall constitute the first class; persons convicted of other offences than those just recited, for which the punishment is incarceration, shall constitute the second class.

Sec. 3. The punishment of persons constituting the first class, shall continue the same as at present established and provided for by law. Convicts of the second class shall be employed on works of public utility, outside of the Penitentiary, under the orders and supervision of the Board of Public Labor, to be hereafter established, in such manner as shall be hereafter provided by law.

Sec. 4. The guarding, control of labor, subsistence and medical attention of convicts employed under this Act, shall be under officers and persons employed and paid by the State.

Sec. 5. The building of railroads, including herein the making of the grade, the cutting and laying of ties, and the laying of the track, all works for the improvement of the navigation of rivers, bays, channels, and harbors; for irrigating lands; all working of mines of iron, lead, copper, or of coal, or of other valuable minerals; all working in iron founderies, where railroad iron shall be made, shall be deemed works of public utility, in the intent of this Act, whether any of the above named works shall belong to the State, or be the property of any corporation, company, or individual. It shall, moreover, be competent for the Board of Public Labor to declare any other works of obvious and manifest public utility, to be public works, in the sense herein set forth, and to authorize the employment of convict labor on the same, as provided for in this Act.

Sec. 6. In the employment of convicts, as provided for herein, they shall be employed in gangs or parties of not less than twenty convicts in each gang or party engaged on any work.

Sec. 7. There shall be, and there is hereby established a Board, to be styled and known as the Board of Public Labor, which shall be composed of the Governor of the State, the Secretary of State, the Comptroller, the Attorney General and Treasurer of the State. Three members of the Board shall constitute a quorum for the transaction of business.

Sec. 8. The Board is hereby authorized to appoint suitable persons as agents to receive gangs of convicts, and to superintend the guarding, working, clothing, subsisting and providing medical attendance for such gangs of convicts.

Sec. 9. The Treasurer, acting under the orders of the Board of Public Labor, shall be, and he is hereby authorized and required to make contracts with individuals, or companies, or corporations for the employment of convicts to do work on works of public utility, coming within the intendment of this Act, and in conformity with the provisions of the same; and for the faithful performance of such contracts, on the part of parties so

hiring, or employment of convict labor, he shall require to be executed a bond, with two good and sufficient sureties, payable to the Governor of the State, in double the amount of the money stipulated for such labor; and all monies due and received for such labor shall be paid into the State Treasury, an account of which shall be kept, under the name of the Convict Labor Fund. An account of all monies expended under the provisions of this Act shall also be kept; and the Treasurer, in his annual report, shall make an exhibit of all monies so paid in, and of those so expended.

Sec. 10. The proper guards for watching and securing convicts employed out side of the Penitentiary, by virtue of this Act, shall be employed, and paid in the manner now provided by law for the employment of guards in the Penitentiary, to secure convicts against escape, the agent having charge of any gang may cause to be placed a ball and chain on each convict, under such rules and regulations thereof as the Board of Public Labor shall establish. He is also authorized to place refractory convicts, under such regulations of the Board, in a chain gang.

Sec. 11. The convicts employed outside of the Penitentiary, under this Act, shall receive their clothing from the Penitentiary, and it is hereby made the duty of the Superintendent of the Penitentiary to issue to the agent, on his requisition, approved by the Governor, or President of the Board, all necessary clothing for the convicts under his charge.

Sec. 12. The subsistence of the convicts, contemplated in this Act, may be provided by the agent, and furnished at cost, or it may be stipulated to be furnished by parties hiring and employing convicts under this Act, as the same shall be authorized or ordered by the Board of Public Labor. But in all cases, it shall be sound and good in quality, and sufficient in quantity, and the Board shall establish such proper rules for securing this object. And any failure on the part of parties, whose duty it may be to furnish subsistence, shall be good cause to rescind a contract for labor or to dismiss an agent.

Sec. 13. It shall be, and it is hereby made the duty of every agent, to see that good medical attention shall be always at hand for convicts who may need such attention. And for this purpose the agent shall be required to employ a contract physician, at a sum not to exceed one dollar per month for such convict under his charge.

Sec. 14. It is hereby made the duty of the Board of Labor to establish rules and regulations for prohibiting all persons not

expressly authorized from holding conversation, or remaining with or near convicts employed under this Act.

Sec. 15. Persons convicted of offences punishable by imprisonment shall be forwarded to the State Penitentiary, as heretofore; and it shall be stated in the order sending them to the Penitentiary, whether they are embraced in the first or second class of convicts, as provided in this Act; and those of the second class shall be delivered, by the Superintendent of the Penitentiary, to an authorized agent, on the order of the President of the Board of Public Labor; but nothing contained herein shall be so construed as to prevent the Superintendent from retaining in the Penitentiary as many convicts as may be profitably employed therein.

Sec. 16. To stimulate convicts employed outside of the Penitentiary to good conduct and to reform, each convict shall, on serving out his full term, be entitled to receive, in money, one-third of the net proceeds of his wages, on the certificate of the Board of Public Labor for general meritorious conduct during the period for which he has been held to labor, to be paid on the draft of the President of said Board on the Treasurer.

Sec. 17. Any convict attempting to escape, refusing to work, or otherwise guilty of refractory conduct, may, at the discretion of the agent, or by orders from the Board of Public Labor, be sent to the Penitentiary, to serve out the balance of his term, at hard labor in the Penitentiary.

Sec. 18. The Board of Public Labor is hereby authorized and required to make such regulations, and all necessary by-laws, to carry the provisions of this Act into effect.

Approved November 12, 1866.

CHAPTER CLIV.

An Act to provide for the education of the indigent white children of the several counties of the State.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Police Courts—at their discretion—of the several counties of the State, may levy and collect a tax, annually, not to exceed one-half of the State tax, and upon the same subjects of taxation, (Africans or descendants of Africans and their property excepted,) to be applied solely to the education of the indigent white children of their respective counties.

Sec. 2. The said tax shall be levied and collected in the same manner and under the same rules and regulations as other county taxes.

Sec. 3. The Police Courts shall cause a list to be made of all indigent white children of their respective counties, subject to the benefits herein contemplated, and shall cause the funds to be raised under the provisions of this Act to be applied solely to the payment of tuition of those contained in said list, under such rules and regulations as the Court may prescribe, to the end that the funds may be most economically and effectually applied.

Sec. 4. That this Act shall take effect and be in force from and after the first day of January, 1867.

Approved November 12, 1866.

CHAPTER CLV.

An Act to regulate the time of holding Elections.

Section 1. Be it enacted by the Legislature of the State of Texas, That a general election shall be held, on the first Monday in August, every two years, counting from the first Monday in August, 1866, for members of the State Legislature, and for such State Senators as may be necessary under the existing classification.

Sec. 2. That, on the first Monday in August, every four years, counting from the first Monday in August, 1866, a general election shall be held for Governor, Lieutenant Governor, Attorney General, Comptroller of Public Accounts, State Treasurer, and Commissioner of the General Land Office, and also for such number of Attorneys, Clerks of the District Courts, Judges of the County Courts, County Clerks, County Surveyors, Sheriffs, Assessors and Collectors, County Commissioners, Justices of the Peace, Constables and Coroners, as may be necessary under the law.

Sec. 3. Judges of the Supreme Court shall be elected at the general elections, on the first Monday in August, every ten years, and District Judges every eight years, counting from the first (Monday) of August, 1866.

Sec. 4. In all cases of vacancies, from death, resignation, or otherwise, such vacancies shall be filled at the next ensuing gen-

eral election, and the person elected to fill such vacancy shall continue in office the full term prescribed by law.

Approved November 12, 1866.

CHAPTER CLVI.

An Act supplementary and amendatory of an Act entitled "An Act authorizing and requiring the County Courts to regulate roads, appoint overseers, &c." approved February 8th, 1858.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Police Courts of the several counties in this State shall do and perform all acts and duties heretofore made obligatory upon the various County Courts of this State, under the provisions of the above named Act, to which this is supplementary and amendatory, and when thus performed, shall have the same force and effect, in law, as if performed by said County Courts.

Sec. 2. That the 12th section of the Act recited in the caption hereof be so amended as that the same shall hereafter read as follows, to-wit:

"Sec. 12. All male persons between eighteen and forty-five years of age, shall be liable, and is hereby made their duty to work on, repair and clear out the public roads of this State, under such provisions and regulations as are hereafter made: Provided, That no licensed minister of the Gospel, in the regular discharge of his ministerial duties, instructors of public and private schools, and all students of common schools or public institutions, keepers of grist mills that grind for toll, public ferrymen, County Commissioners, nor County Judges, shall be liable to work on public roads."

Sec. 3. That section 14th of said Act shall hereafter read as follows, to-wit:

"Sec. 14. That it shall be the duty of the overseer of any road to give three days' previous notice, by summons, in person, or in writing, left at heir respective places of abode, to all persons liable to work on the road, in his precinct, to meet at such time and place, for that purpose, as he shall designate, and to bring with them such tools to work with as he shall direct: Provided, also, That the overseer shall have power to appoint some one to warn in the hands to work on the road, and such person shall be

exempt from working on the roads as many days as he was engaged in warning the hands."

Sec. 4. That section 15th of said Act shall hereafter read as follows, to-wit:

"Sec. 15. That if any person so summoned shall fail to attend, or send a substitute to work in his place, or, when attending, shall fail or refuse to perform his duties as required, such person shall forfeit and pay, for each and every day he may so fail to attend, or refuse to work, the sum of one dollar, together with all costs of suit, to be recovered by suit, in the same manner as in cases of debt, before any Justice of the Peace having jurisdiction thereof, in the name of the County Judge of the county; Provided, All reasonable excuses shall be heard and allowed: And provided further, That a list of defaulting roadworkers, furnished by the overseer, shall be a sufficient showing to authorize the Justice of the Peace to issue writs against the parties liable, upon the return or trial day of which, whether the defaulter was summoned verbally or by writing, to work on the road, and if by writing, the testimony of the person leaving the notice shall be necessary, upon which judgment shall be had; but in no event shall the overseer be liable for costs, nor shall he be required to give bond in case he should wish to take an appeal to the District Court."

Sec. 5. That "An Act to amend the 12th and 24th sections of an Act entitled 'An Act to authorize the County Courts to regulate roads, appoint overseers, &c,' approved February 8th, 1858, approved November 14th, 1864, and all Acts and parts of Acts that contravene the provisions of this Act, are hereby repealed; and that this Act take effect and be in force from and after its passage.

Approved November 12, 1866.

CHAPTER CLVII.

An Act to amend the first section of an Act entitled "An Act to amend the second and seventh sections of an Act entitled an Act to organize the Supreme Court of the State of Texas." approved May 12th, 1846, approved November 30th 1850, approved August 28th, 1856.

Section 1. Be it enacted by the Legislature of the State of Texas. That the first section of an Act entitled "An Act to

amend the second and seventh sections of an Act entitled an Act to organize the Supreme Court of the State of Texas," approved May 12th, 1846, approved November 30th, 1850, approved August 28th, 1856, is hereby amended so that the same shall hereafter read as follows, to-wit:

That the causes decided in the District Courts of the counties composing the Eleventh, Second, Fourth, Seventh and Fourteenth Judicial Districts, when taken up by appeal or otherwise, shall be returnable to the Supreme Court holding its session at the city of Austin; Provided, That the causes taken up from the county of Nueces shall be returnable to the Supreme Court holding its sessions at the city of Galveston.

That the causes decided in the District Courts of the counties composing the First, Third, Thirteenth, Tenth, Twelfth and Fifteenth Judicial Districts, when taken up by appeal or otherwise, shall be returnable to the Supreme Court holding its sessions at the city of Galveston.

That the causes decided in the District Courts of the Ninth, Eighth, Sixth and Fifth Judicial Districts, when take up by appeal or otherwise, shall be returnable to the Supreme Court holding its sessions at the town of Tyler, in Smith county; Provided, That the parties, or their attorneys, may, on filing an agreement for that purpose with the Clerk of any District Court in either of the Judicial Districts, direct the records, accompanied by a certified copy of the agreement, to be transmitted to the Supreme Court holding its sessions either in the city of Austin, the city of Galveston, or at the town of Tyler: Provided, That causes taken to the Supreme Court from the counties of Dallas, Ellis, Hill, Johnson, Parker, Tarrant, Erath and Hood, shall be tried by the Supreme Court at Austin.

That all laws and parts of laws contravening the provisions of this Act, be, and the same are hereby repealed; and that this Act take effect and be in force from and after the first day of July, 1867.

Approved November 12, 1866.

CHAPTER CLVIII.

An Act to regulate the issuing, execution, and return of Writs and Process.

Section 1. Be it enacted by the Legislature of the State of Texas. That all writs and process which may be issued out of

any courts of the State, or by any Justice of the Peace, or any Judge, or other officer authorized by law to issue writs, or process in this State shall be directed, "To the Sheriff, or any Constable of _____ county," (naming the county;) or it may be directed to the Sheriff, or any Constable of any other county in the State (naming the county.)

Sec. 2. When any writ, or process, shall be issued and directed as provided in the preceding section of this Act, and shall be placed in the hand of any Sheriff or Constable of the county to which it is directed; it shall be, and is hereby made the duty of such Sheriff, or Constable, to execute and return such writ, or process, according to the command and directions of such writ, or process; and any Sheriff, or Constable, having a writ or process for the arrest of a person charged with a criminal offence, may execute the same in any county in the State where the person to be arrested may be found, and for this purpose may call to his aid as many of the citizens of the county as he may see fit.

Sec. 3. That this Act shall take effect from its passage.

Approved November 12, 1866.

CHAPTER CLIX.

An Act to amend Articles 757 and 766, of an Act to adopt and establish a Penal Code for the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That Articles 757, and 766 of an Act to adopt and establish a Penal Code for the State of Texas, approved August 26, 1856, be so amended as to read as follows, to-wit: Art. 757. Theft of property, under the value of twenty dollars shall be punished by imprisonment in the county jail, for a term not exceeding one year, and by fine not exceeding one hundred dollars, or by such imprisonment, without fine. The provisions of this Article shall not apply to cases of theft, where a different punishment, for any specific offence is expressly provided by law.

Art. 766. If any person shall steal any cattle, sheep, goat or hog, he shall, if the value of the property stolen is twenty dollars, or over, be punished by confinement in the Penitentiary not less than two, nor more than five years. If the value of the property stolen is under twenty dollars, he shall be punished by

imprisonment in the county jail for a term not exceeding two years, and fine not exceeding one hundred dollars; or by such imprisonment without fine.

Approved November 12, 1866.

CHAPTER CLX.

An Act prohibiting the false personation of Justices of the Peace, Sheriffs, Deputy Sheriffs, Coroners, Constables, or other Judicial or Ministerial Officers.

Section 1. Be it enacted by the Legislature of the State of Texas, That if any person shall falsely assume, or pretend to be a Justice of the Peace, Constable, Sheriff, Deputy Sheriff, Coroner, or any other judicial or ministerial officer, and shall take upon himself to act as such, or to require any person to aid or assist him in any matters pertaining to the duty of a Justice of the Peace, Sheriff, Deputy Sheriff, Coroner, Constable, or any other judicial or ministerial officer, he shall be deemed guilty of a misdemeanor, and upon conviction thereof, be punished by imprisonment in the county jail, not to exceed six months, or by fine not exceeding five hundred dollars.

Approved November 12, 1866.

CHAPTER CLXI.

An Act to provide for the Compensation of Jurors.

Section 1. Be it enacted by the Legislature of the State of Texas, That Grand and Petit Jurors, who may be hereafter summoned to attend the sessions of the District Courts of this State shall, whenever they are duly discharged from attendance, receive from the Clerk of the Court a certificate in writing, showing the number of days the Juror has been in attendance on the Court, and specifying the amount due him for such service, at the rate of two dollars per day. Said certificate shall be paid out of the County Treasury, and shall be a sufficient voucher for the County Treasurer to pay the amount therein specified to be due; and such certificate shall be receivable for all taxes assessed by the county wherein the same was given.

Sec. 2. That this Act take effect from date, and that all laws and parts of laws in conflict with the provisions of the same, be, and they are hereby repealed.

Approved November 12, 1866.

CHAPTER CLXII.

An Act to amend Article 743, Chapter VIII. Title XX. of an Act to adopt and establish a Penal Code, approved August 26th, 1856.

Section 1. Be it enacted by the Legislature of the State of Texas, That the above recited Article of the Penal Code be so amended as to hereafter read as follows:

Article 743. If any person, by assault, or by violence and putting in fear of life or bodily injury, shall fraudulently take from the person or possession of another, any property, with intent to appropriate the same to his own use, he shall be punished by confinement in the Penitentiary for a term not less than two nor more than ten years.

Approved November 12, 1866.

CHAPTER CLXIII.

An Act to prohibit the sale of intoxicating liquors within one mile of Bellview Academy.

Section 1. Be it enacted by the Legislature of the State of Texas, That it shall not be lawful for any person or persons to vend or sell any spirituous liquors within one mile of Bellview Academy, under the penalty of not less than twenty nor more than fifty dollars, for each and every such offence, to be recovered before any Court of competent jurisdiction, and on failure to pay such penalty, he or she shall be confined in the county jail for twenty days, or at the discretion of the Court, and the said fines, when collected, shall be applied to the use of the county; provided, that nothing in this Act shall be so construed as to prevent the sale of spirits for medical or sacramental purposes.

Approved November 12, 1866.

CHAPTER CLXIV.

An Act donating one hundred and sixty acres of land to actual settlers upon the Public Domain.

Section 1. Be it enacted by the Legislature of the State of Texas, That all white persons, being the heads of families, or twenty-one years of age, who have settled upon and improved, or who may hereafter settle upon and improve a portion of the vacant public domain, which has never been filed upon, located or surveyed, by virtue of some genuine, legal and valid certificate, or other evidence of title to land previous to such settlement and improvement, shall have the privilege of locating and appropriating a tract of such vacant land, not to exceed one hundred and sixty acres, so as to include said settlement or improvement, in preference to all other claims or claimants, and all files, entries, locations or surveys, made so as to interfere with the preference granted by this Act, shall be null and void.

Sec. 2. It shall be the duty of the County and District Surveyors of each and every county and District, to keep a record book, to be devoted exclusively to preemption claims, and such settlers shall, each, within twelve months from the passage of this Act, or within twelve months from the commencement of any such settlement which may hereafter be made, cause to be surveyed the amount of land for which such settler intends to claim preemption privileges. And on application being made by such settler, to a surveyor, to have his or her said land surveyed, to include his or her improvements, he or she shall not be required to furnish the surveyor with any land certificate or other claim against the Government for land, but he or she shall make an affidavit, which may be administered by such surveyor, that he or she believes that he or she has settled upon vacant land, as contemplated in the first section of this Act, upon which the survey, for not exceeding one hundred and sixty acres of land, may be made, and the field notes thereof shall be returned to the County or District Surveyor of the county or District in which the land lies, who shall record the same, together with the said affidavit of the settler, in his preemptive book, for which service the said Surveyor may charge the fees now allowed by law for such service, and no more.

Sec. 3. Each and every such settler shall prove before the County Judge of the County Court of the county in which he or she resides, by the testimony of two respectable citizens of the same county, known to said County Judge, that he or she is

bona fide settled upon vacant land, and that he or she has resided upon and cultivated the same for the period of three years next preceding the time of making such proof, and the said County Judge shall, after recording, in a book to be kept by him for that purpose, the application of such settler, the proof taken in support of the same, and the names of the witnesses, shall deliver to such settler a certificate, under the seal of his office, upon receiving a fee of two dollars therefor.

Sec. 4. Should any such settler die previous to procuring a patent for the land, including his or her settlement and improvement, as provided by this Act, his or her heir or heirs shall be entitled to the same preference of privileges as the deceased would have been, according to the provisions of this Act. That each and every such settler, upon presenting to the Commissioner of the General Land Office the field notes of his or her survey, together with the duly authenticated copy, from the record of the County or District Surveyor, of his or her said affidavit, and also his or her certificate, made in accordance with the third section of this Act, shall be entitled, upon paying to said Commissioner the usual patent fee, and no more, a patent upon and for his or her said survey of land; provided, the same does not exceed one hundred and sixty acres.

Sec. 5. All lands which may be settled upon under the provisions of this Act, shall be liable for the State and county taxes from the time of making such survey, and no patent shall issue thereon until all such taxes have been paid. And no individual shall be entitled to, or allowed to appropriate or secure more than one tract or survey of land under the provisions of this Act.

Sec. 6. The provisions of this Act shall not be so construed as to grant a preemption right to any land which, by law, is now reserved from location or entry.

Sec. 7. That all laws and parts of laws in conflict with this Act, be, and the same are hereby repealed; and that this Act take effect and be in force from and after its passage.

Approved November 12th, 1866.

CHAPTER CLXV.

An Act for the collection of Back Taxes on Land.

Section 1. Be it enacted by the Legislature of the State of Texas, That for the purpose of collecting all back taxes which

may be still due and unpaid on titled or patented lands, from and after the year 1849, and up to and inclusive of the year 1866, and which has heretofore been sold, or may hereafter be sold, for the taxes of any year prior to 1867, and stricken off to the State, it is hereby made the duty of the State Comptroller to prepare lists, in the manner described in the following Section, of all such lands, and after deducting such as may have been redeemed at his office, or which may appear from the returns on file in his office to have been redeemed in the county where sold, shall forward the same to the Assessor and Collector of the county wherein the same is situated, who shall advertise and sell the same, in the manner hereinafter directed.

Sec. 2. That said list shall state, in the following order, the number, as it appears on the printed Abstract of titled and patented lands, the class of the claim, the name of the owner, if known, the name of the original grantee, the years for which the same was sold, the amount of State taxes due, the amount of county taxes due, the total amount of both State and county taxes due, and upon which ten per cent. per annum shall be charged as interest thereon, and in an appropriate column therefor said interest shall be stated, and in the column following shall be stated the Assessor's costs for selling the same, being one dollar for each sale made, and the final column shall show the total amount due and owing; and if, in the compilation of said lists, it should not be practicable to identify any fractional part of an original tract which may have been heretofore redeemed, it shall be the duty of the Comptroller to suspend the sale, as hereinafter directed, of the remainder of said tract, until the portion redeemed can be identified; said list shall be added up and certified to by the State Comptroller, as being correctly compiled from the books and archives of his office, and that the taxes and costs, as therein stated, are still due and unpaid, and shall be dated and signed by the said Comptroller, and after being advertised in some newspaper published at the seat of Government for the space of thirty days, a copy of said newspaper shall be forwarded by the Comptroller to the Judge of the county where the land is situated, another to the Clerk of the County Court, for posting on the court-house door, and a third to the Assessor and Collector; said publication shall state the size of the tract, or grant, in acres, the name of the original grantee, the total amount due thereon, and shall notify the owners thereof, or others interested therein, that if payment of the amount due be not made, either at the Comptroller's office, or to the Assessor and Collector of the county wherein the same is situated, within

six months from date of publication, or tax receipts be not exhibited, showing that the tax was duly paid, or that the land has been redeemed from former tax sale within that time, that application will be made to the County Court for an order of condemnation and sale of a portion sufficient to satisfy the taxes and costs.

Sec. 3. That after the time has elapsed, in which payment is to be made, as required in the preceding section, it is hereby made the duty of the Assessor and Collector to make application to the County Court for said order of condemnation and sale of such of said lands upon which the taxes and costs remain unpaid; and if it shall appear to said court that said taxes and costs are still unpaid, they shall grant said decree to the Assessor and Collector, who shall forthwith give thirty days' notice of the time and place of the sale, by posting suitable notices in at least six public places in his county: said notice shall state that the lands will be sold in accordance with said decree to any person who will pay the taxes and costs for the least number of acres, and after the lapse of thirty days, he will proceed to sell the same at the court-house door, in conformity with section —, of the Assessment Act, passed at the present session of the Legislature, and shall be deeded by the Assessor and Collector on the forms furnished him for that purpose, on the return of the field notes, as prescribed in said section, and upon the execution of said deed, the Assessor and Collector shall be entitled to a fee of three dollars, to be paid by the purchaser therefor: Provided, that lands which may hereafter be sold for the taxes of 1865 and 1866, shall not be deeded to individual purchasers until after the lapse of two years from the date of the sale made in accordance with the tax laws now in force.

Sec. 4. That the owners of lands upon which the taxes have not been paid for any year or years subsequent to 1849, and prior to 1867, and which have not been sold for taxes, may pay the same at any time before the first day of January, 1870, upon the following conditions, to-wit: that said land shall be valued by the Assessor and Collector of the county in which the same is situated, and the party rendering, at its specie value therein, on the first day of January of the year for which the payment is desired to be made, as near as can be ascertained, upon which the taxes are to be levied, at the same rate at which they were payable in that year; but should payment at the Comptroller's office be preferred, the same can be made by valuing the land and making payment as above required: Provided, that in no case shall lands be valued at less than twenty-five per cent. below the

actual average value of the land for that year in the county in which the same is situated; and should owners of land fail to avail themselves of the terms herein granted, until the said first day of **January, 1870**, it shall then become the duty of the Comptroller to prepare lists thereof, and forward the same to the Judges of the respective counties wherein said lands may be situated, and ask that decrees of condemnation and sale be granted, whereby a sufficiency thereof may be sold to satisfy the taxes and costs due; and upon making sale thereof, in conformity with section —, of the **Assessment Act**, passed at the present session of the Legislature, and executing the deed therefor, the title shall be fully vested in the purchaser, and said land shall not be subject to redemption.

Sec. 5. That all laws in conflict herewith, be and the same are hereby repealed, and that this Act take effect and be in force from and after its passage.

Approved November 12, 1866.

CHAPTER CLXVI.

An Act to authorize the Board of Managers of the Lunatic Asylum to purchase from David L. Cross certain land therein named for the use of said Institution, for the benefit of Insane Negroes.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Board of Managers of the Lunatic Asylum, be, and they are hereby authorized to purchase from David L. Cross twenty-six acres of land, with the improvements thereon, on which is situated the residence of the said Cross, contiguous to said Asylum, which may be used for the accommodation of insane persons of African descent—if, in the judgment of said Board of Managers, it is expedient to make said purchase, and so to use the same for the purposes as herein provided.

Sec. 2. That the sum of ten thousand dollars is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purchase as aforesaid, and for the making of the necessary improvements and changes in the buildings on said grounds, to adapt the same to the purposes herein intended, to be expended under the supervision and direction of the Board of Managers.

Sec. 3. That this Act take effect from its passage.

Approved November 12th, 1866.

CHAPTER CLXVII.

An Act for the purpose of carrying into effect an Ordinance of the late Convention, securing the Common School and University Fund, and for other purposes.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Governor of the State shall cause to be executed the bonds of the State, to the amount of one hundred and thirty-four thousand four hundred and seventy-two dollars and twenty-six cents, specie, in sums of one thousand dollars each, and one for the fractional amount of \$172 26, redeemable in twelve years, and bearing interest at the rate of five per cent. per annum, in specie, payable semi-annually, on the first day of January and July of each year, upon presentation of the coupons therefor, to be attached to said bonds. The said bonds shall be signed by the Governor and Treasurer, and shall be registered by the Comptroller, who shall certify such registration on the back of such bonds; and the coupons shall be signed by the Treasurer. The said bonds and coupons shall be payable at the State Treasury, in the city of Austin, and when issued shall be placed in the State Treasury, to the credit of the University fund, in reimbursement of United States bonds, and interest transferred from that fund to the State revenue account, in February, 1860.

Sec. 2. That the Governor of the State shall further cause to be executed the bonds of the State, of like tenor and effect, as prescribed in the foregoing section, and to be executed with coupons in like manner, to an amount corresponding to the amount heretofore collected from the United States Government, upon United States bonds belonging to the School Fund, and paid into the State Treasury, deducting therefrom the expenses paid by the State in the collection of the same; and further to an amount corresponding to such sums as may hereafter be collected upon such United States bonds, and be applied in payment of direct tax due the United States, (which application the Governor is hereby authorized to direct and cause to be made,) deducting such expense as the State may incur in the collection thereof, and the bonds and coupons to be issued under this section, shall be placed in the State Treasury, to the credit of the Common School Fund, as indemnification for the amounts heretofore collected, or hereafter to be collected, and applied as aforesaid.

Sec. 3. That the sum of one thousand dollars, or so much

thereof as may be necessary, is hereby appropriated to defray the expenses to be incurred in the execution of this Act; and that this Act take effect and be in force from and after its passage.

Approved November 12, 1866.

CHAPTER CLXVIII.

An Act to consolidate the counties of Cameron and Hidalgo into one Land District.

Section 1. Be it enacted by the Legislature of the State of Texas, That the counties of Cameron and Hidalgo shall be consolidated into, and hereafter consist of one Land District.

Sec. 2. This Act shall take effect and be in force from and after its passage.

Approved November 12, 1866.

CHAPTER CLXIX.

An Act to provide for the payment of the First Parker County Minute Company, commanded by Captain L. L. Tackett, and the Wise County Minute Company, commanded by Capt. John Teague.

Section 1. Be it enacted by the Legislature of the State of Texas, That three thousand six hundred and seventy-one dollars, out of the eight per cent. State Bonds, authorized for the payment of the Frontier Battalion, be appropriated to pay First Parker County Minute Company, commanded by Captain L. L. Tackett, and the Wise County Minute Company, commanded by Captain John Teague, called into service by Governor A. J. Hamilton, October 20th, 1865, and 14th October, 1865.

Sec. 2. That this Act take effect and be in force from and after its passage.

Approved November 12, 1866.

CHAPTER CLXX.

An Act to prohibit the discharging of Fire Arms in certain places therein named.

Section 1. Be it enacted by the Legislature of the State of Texas, It shall not be lawful for any person to discharge any gun, pistol, or fire arms of any description whatever, on, or across any public square, street, or alley, in any city or town in this State; Provided, this Act shall not be so construed as to apply to the "outer town," or suburbs, of any city or town

Sec. 2. Any person who shall discharge any fire arms, in violation of the provisions of the first section of this Act, shall be deemed guilty of disturbing the public peace, and on conviction thereof, before any Court having competent jurisdiction, shall be fined in any sum not exceeding one hundred dollars, to be recovered as other fines and penalties.

Approved November 12, 1866.

CHAPTER CLXXI.

An Act to amend the 11th Section of an Act to provide for the Registry of Deeds, and other instruments in writing. Approved May 12, 1846.

Section 1. Be it enacted by the Legislature of the State of Texas, That section eleven of the above recited Act, be so amended that it will hereafter read as follows:

Proof, or acknowledgment of every instrument of writing for record, shall be taken by some one of the following officers: First. When acknowledged, or proven within the State, before some Notary Public, or Clerk of the County Court of any County in the State. Second. When acknowledged, or proven without this State, and within the United States, or their Territories, before some Judge or Clerk of a Court of Record having a seal. Third. When acknowledged or proven without the United States, before some Public Minister, Charge d'Affairs, or Consul of the United States, and in all cases the certificate of such acknowledgment shall be attested under the official seal of the Officer taking the same.

Sec. 2. This Act shall be in force from its passage.

Approved November 13, 1866.

CHAPTER CLXXII.

An Act to extend the provisions of an Act entitled "An Act to provide for the incorporation of Towns and Cities," approved January 27th, 1858, to the towns of Denton and Pilot Point, in Denton County.

Section 1. Be it enacted by the Legislature of the State of Texas, That the provisions of the above recited Act are hereby extended and made applicable to the towns of Denton and Pilot Point, in Denton county, so far as the same are not in conflict with the Acts incorporating the said towns.

Sec. 2. That this Act take effect and be in force from and after its passage.

Approved November 12, 1866.

CHAPTER CLXXIII.

An Act supplemental to an Act to provide for the publication of the decisions of the Supreme Court, and appointment of a Reporter thereof, passed November 10th, 1866.

Section 1. Be it enacted by the Legislature of the State of Texas, That Section 7 of the above recited Act shall read as follows, to-wit:

The provisions of this Act shall apply to the reporters heretofore appointed before or during the war, who were entitled to, or had unpublished decisions in their possession; such reporters are entitled to such unpublished decisions and accompanying records and papers, for the purpose of preparing and publishing the same; and they shall be entitled to all the rights and compensations therefor provided for by this Act, and shall proceed and publish the said decisions as early as practicable; Provided, That, hereafter, only such cases shall be reported as shall be designated by the Supreme Court for publication.

Sec. 2. That this Act shall take effect from and after its passage.

Approved November 13, 1866.

CHAPTER CLXXIV.

An Act for the benefit of Railroad Companies.

Section 1. Be it enacted by the Legislature of the State of Texas, That the grant of sixteen sections of land to the mile to railroad companies, heretofore or hereafter constructing railroads in Texas, shall be extended, under the same restrictions and limitations heretofore provided by law, for ten years after the passage of this Act.

Sec. 2. That the time for the alienation of the lands acquired by railroad companies, heretofore, shall be extended to fourteen, for the alienation of one-half of such lands, and to twenty-one years for the alienation of the other half; and, in the event such alienation does not take place, the said lands shall be forfeited to the State; and companies hereafter acquiring lands, shall alienate the same in fourteen and twenty-one years from the date of acquisition, under a like penalty of forfeiture.

Sec. 3. That the benefits of this Act shall not apply to any company hereafter that avails itself of the provisions of the 3d, 3d, 4th and 5th sections of an Act entitled "An Act to encourage the construction of Railroads in Texas," approved January 30th, 1854, or of the Act supplementary thereto, approved February 16th, 1858.

Sec. 4. That it is not intended by the preceding section to interfere with or impair the rights which have been heretofore acquired by companies under laws heretofore in force, but to preclude companies from hereafter taking advantage of the provisions of sections 2, 3, 4 and 5 of the Act of January 30th, 1854, and the supplementary Act thereto of 16th February, 1858; Provided, That all tap roads over twenty-five miles long shall be entitled to the benefits of this Act.

Sec. 5. That this Act be in force from its passage.

Approved November 13, 1866.

CHAPTER CLXXV.

An Act making appropriations for the support of the State Government, for the years 1867 and 1868.

Section 1. Be it enacted by the Legislature of the State of Texas, That the following amounts, in currency, are hereby appropriated out of any money in the Treasury not otherwise appropriated, for the support of the State Government for the years 1867 and 1868, viz:

JUDICIARY.

Supreme Court.

For salary of five Judges of Supreme Court, each \$4500, annually.....	\$45,000 00	
For Clerk's fees in felony cases, \$250 annually	500 00	
For blank books and stationery, \$1000, annually	2,000 00	
For pay of Sheriffs, \$600, annually.....	1,200 00	
For purchase of books for Library, \$600, annually	1,200 00	
For postage, porter hire, and wood, \$300, annually	600 00	
For publishing reports of Supreme Court, \$5000, annually	10,000 00	\$60,500 00

District Court.

For salary of fifteen Judges of District Court, each, \$3500, annually.....	105,000 00	
For salary of fifteen District Attorneys, each \$1000 annually.....	30,000 00	
For costs due Clerks, Sheriffs and Attorneys, \$8,000, annually.....	16,000 00	151,000 00

Attorney General's Office.

For salary of Attorney General, \$3,000, annually	6,000 00
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For Attorney General's fees in felony cases, \$600, annually	1,200 00	
For books and stationery, \$200, annually.	400 00	
For postage, porter hire, and wood, \$300, annually	600 00	8,200 00

EXECUTIVE.

Executive Department.

For salary of Governor, \$4,000, annually..	8,000 00	
For salary of Private Secretary, \$1,500, an- nually	3,000 00	
For recovering fugitives from justice, \$2,500, annually	5,000 00	
For publishing proclamations, \$1,000, an- nually	2,000 00	
For telegraphing, \$500, annually.....	1,000 00	
For books and stationery, \$200, annually.	400 00	
For postage, Porter hire and wood, \$500, annually	1,000 00	
For furnishing Governor's Mansion, \$500 annually	1,000 00	
New roof and change of the old Land Of- fice building so as to fit it up for the use of the Supreme Court, Library, and of- fices; for fitting up the present Supreme Court room for the State Library; for fitting up the present State Library for a Geological room; the present Supreme Court Clerks room for Attorney Gen- eral's office, and for repairs and im- provements on other public buildings and Capitol Grounds, to be expended under the direction of the Governor...	10,000 00	31,400 00

State Department.

For salary of Secretary of State, \$2,500, annually	5,000 00	
For salary of Clerk, \$1,500, annually....	3,000 00	
For Office printing, \$400, annually.....	800 00	
For printing laws and journals 11th Legislature, \$10,000	10,000 00	
For books and stationery, \$300, annually.	600 00	
For postage and Express charges, Porter hire and wood, \$750, annually.....	1,500 00	
Purchase of stationery for next Legislature	1,000 00	
For extra Clerk hire, \$700, annually....	1,400 00	23,300 00

Comptroller's Office.

For salary of Comptroller, \$2,500, annually	5,000 00	
For salary of Chief Clerk, \$2,000, annually	4,000 00	
For salary of Book Keeper, \$1,600 annually	3,200 00	
For salary of four Assistant Clerks, each, \$1,400 annually	11,200 00	
For books and stationery, \$600, annually	1,200 00	
For paper, \$1,000, annually	2,000 00	
For printing, \$1,000, annually.....	2,000 00	
For postage, Porter hire and wood, \$800 annually	1,600 00	30,200 00

Treasurer's Office.

For salary of Treasurer. \$2,500, annually	5,000 00	
For salary of Book Keeper, \$1,600, annually	3,200 00	
For books and stationery, \$150, annually	300 00	

For postage, Porter hire, wood and printing, \$500, annually	1,000 00	9,500 00
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General Land Office.

For salary of Commissioner, \$2,500, annually	5,000 00	
For salary of Chief Clerk and Receiver, each, \$1,800, annually	7,200 00	
For salary of Chief Draftsman, \$1,700, annually	3,400 00	
For Chief Translator, \$1,600, annually...	3,200 00	
For file and application Clerk, examining Clerk and six Assistant Draftsmen, each, 1,500 annually	24,000 00	
For six Assistant Clerks, each, \$1,200 annually, one of which shall annually compile a list of patented lands.....	14,400 00	
For books and stationery, \$500, annually	1,000 00	
For postage, Porter hire, wood and printing, \$1,000, annually	2,000 00	60,200 00

Asylums.

For salary of Superintendent Lunatic Asylum, \$2,500, annually.....	5,000 00	
For support of Lunatic Asylum, \$20,000, annually	40,000 00	
For salary of Superintendent Deaf and Dumb Asylum, \$1,500, annually.....	3,000 00	
For support of Deaf and Dumb Asylum, \$6500, annually	13,000 00	
For salary of Superintendent Blind Asylum, \$1,000, annually	2,000 00	
For support of Blind Asylum, \$5,000, annually	10,000 00	73,000 00

Penitentiary.

For salary of Superintendent, \$2,500, annually	5,000 00	
For salary of Financial Agent, \$2,500, annually	5,000 00	
For salary of three Directors, each \$375 annually	2,250 00	
For salary of Chaplain, \$500 annually....	1,000 00	
For salary of Physician, \$700, annually...	1,400 00	14,650 00

Pensions.

For pension of John McDonald, \$100, annually	200 00
For pension of Juana Navarro Alsbury, \$100, annually	200 00
For pension of W. H. Anderson, \$100, annually	200 00
For pension of Thomas Barnett, \$100, annually	200 00
For pension of David Cole, \$100, annually	200 00
For pension of Dillard Cooper, \$100, annually	200 00
For pension of John M. Day, \$100, annually	200 00
For pension of Rolla M. Davis, \$100, annually	200 00
For pension of Joseph E. Fields, \$200, annually	400 00
For pension of Thomas Norris, \$100, annually	200 00
For pension of Charles Larbaletrier, \$100, annually	200 00
For pension of James W. Nichols, \$100, annually	200 00
For pension of Charles Shepherd, \$125, annually	250 00
For pension of H. M. Smith, \$250, annually	500 00
For pension of John S. Stump,	

\$200, annually	400 00	
For pension of J. B. Thacker, \$100, annually	200 00	
For pension of David F. Webb, \$100, annually	200 00	

Adjutant General's Office.

For salary of Adjutant General, \$2000, annually	4,000 00	
For books and stationery, \$200, annually.	400 00	
For postage, Porter hire and wood, \$200, annually	400 00	4,800 00

Miscellaneous.

For expenses of sale of University lands, to be paid from the proceeds of sale...	1,500 00	
For payment of second class debt, \$5000, annually	10,000 00	
For payment of interest on Funded Debt, \$25,000, annually	50,000 00	
For payment of incidental expenses in reclaiming five per cent. U. S. Indemnity Bonds belonging to the State.....	1,000 00	
For removing and arranging Geological Cabinet	1,000 00	
For extra Clerk hire for bringing up back taxes and for collection of Federal tax; the appointment and expenditure under the direction of the Governor, annually, \$5000	10,000 00	
For expenses of Administrators locating State University	500 00	
For Clerk to Auditorial Board, \$1400, annually	2,800 00	76,800 00
		<hr/> \$576,800 00

Sec. 2. That this Act take effect from and after the first day of January next.

Approved November 13th 1866.

CHAPTER CLXXVI.

An Act to authorize and provide for any County, City or Town, to become a Stockholder in, or to loan its credit to any Company, Corporation or Association.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Police Courts of the respective counties in the State are hereby invested with, and shall exercise exclusive jurisdiction and control over all matters provided for in this Act, except such services as are herein required of the County Judge.

Sec. 2. That one hundred free-holders in a county, or twenty-five in a city or town shall be sufficient to invoke action on the subjects provided for in this Act; but before any action shall be had, they shall file with the County Judge a petition in writing, by them signed, in which they shall set forth fully and specifically the objects sought to be obtained by the petitioners.

Sec. 3. When such a petition is filed, as above provided for, the County Judge shall at once order the convening of a special term of the Police Court to meet at such time as he may designate, which shall not be less than fifteen, nor more than thirty days, for the purpose of considering the prayer of the petitioners. The County Judge shall also issue a notice, setting forth briefly the contents of the petition, and stating the day on which the Court will act upon the same; he shall cause such notice to be printed and posted at not less than one public place in each precinct in the county, fifteen days before the meeting of the Court.

Sec. 4. That when the Court meets for the purpose aforesaid, it shall hear and consider of any additional or counter petitions, which may be presented in writing; and if in the opinion of the Court, a reasonable proportion of the qualified voters of the county wish an expression of opinion upon the subject matters embraced in said petition, it shall order an election for that purpose; such election shall not be held within less than thirty days, and notice shall be given of the same as above prescribed.

Sec. 5. That it shall be the duty of the Court to prescribe plainly such rules and regulations as will enable each voter to act advicdly on every proposition, and to know whether he is voting for an affirmative or negative proposition.

Sec. 6. That the election shall be held, and returns made in the same manner as now required by law. On the tenth day thereafter the Police Court shall again convene, and shall ascertain and cause to be recorded the result of the election.

Sec. 7. That if two-thirds of those voting in the election have voted in favor of any proposition which may have been submitted under the provisions of this Act, it shall be the duty of the Court at once to make such orders and adopt such regulations as will carry into effect the purposes intended by such an election.

Sec. 8. That all obligations executed for, and in behalf of the county, arising out of the provisions of this Act, shall be signed by the County Judge, and attested by the County Clerk, and in any city or town by the Mayor, and the officer acting in the capacity of Clerk or Recorder.

Sec. 9. That whenever any county, city or town, shall so elect to become a stockholder, or loan its credit to any company, association, or corporation, in accordance with the provisions of this Act, making it necessary to levy and collect a special tax, it shall be assessed and collected under the provisions of the laws providing for the collection of State taxes; Provided, that the Collector shall give to each tax payer a receipt for the amount paid, stating for what purpose it was paid; and it shall be his duty to number said receipts, in regular order, and in making his return and settlement, he shall render a full statement setting forth the name of each tax-payer, the amount paid by each, and the number of the receipt issued to each. The Tax Collector shall pay over all the money collected, from time to time, as fast as collected, to any officer or agent of the company, association or corporation authorized to receive the same, upon the warrant of the County Judge, or Mayor, as the case may be, and the evidence of payment so made shall be a good and sufficient voucher in the settlement of his collections; he shall be paid for his services the same commissions paid for collecting the State tax, out of the general fund in the Treasury of said county, city or town; and any other expense incurred by any county, city or town, in carrying out the objects of this Act, shall be paid out of its general fund, and not out of money collected by the special tax herein provided to be collected, all of which shall be paid over to the company, association, or corporation.

Sec. 10. That whenever, by the action of the people of any county, city or town, the Police Court shall feel authorized to levy a direct tax for the purpose of aiding any corporation, company, or association, the tax receipts as provided for in the next preceding section, shall state specifically for what purpose the tax is collected.

Sec. 11. All petitions, (except the names of the signers thereto,) all acts of the County Judge, and all acts and doings

of the Police Courts, shall be recorded in suitable books procured for that purpose, which books shall be kept in the office of the Clerk of the County Court, and shall be subject to public inspection at all times.

Sec. 12. All expenses incurred, or growing out of any action under the provisions of this Act, shall be paid out of the treasury of the county on the order of the Police Court, signed by the County Judge, and attested by the clerk.

Sec. 13. This Act shall be in force from and after its passage.

Passed November 13, 1866.

CHAPTER CLXXVII.

An Act to provide for the Assessing and Collection of a Tax on Dogs, in certain Counties therein named.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Police Courts of the Counties of Matagorda, Fort Bend, Wharton, McLennan, Harrison, Gonzales, Colorado, Harris, Chambers, Liberty, Fayette, Williamson and Milam, of this State, may, in their discretion, levy and collect, for the use of the county, a tax on dogs, not to exceed two dollars each, annually.

Sec. 2. That said Courts may make such provisions by an entry on their minutes, as shall be necessary to enforce the collection of such tax.

Sec. 3. The said Courts shall have power to provide for the destruction of all dogs upon which no tax is paid.

Sec. 4. That this Act take effect from and after its passage.

Passed November 13th, 1866.

CHAPTER CLXXVIII.

An Act amendatory of an Act to punish certain offences committed on Sunday, approved December 16th, 1863.

Section 1. Be it enacted by the Legislature of the State of Texas, That the above recited act is hereby amended so that the same shall hereafter read as follows, to wit: That any person or persons who shall labor, or who shall hire, compel, or permit, his

or her employees, children, or apprentices, to labor on the Sabbath, the day known as Sunday, shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined not less than ten, nor more than fifty dollars; Provided, that household duties, works of necessity, and charity, shall not be prohibited by this act; Provided, further, that this act shall not apply to any work done on sugar plantations during the sugar-making season, or any work that may be necessary to save any crop from being destroyed: Provided, this section shall not be so construed as to apply to the running of steamboats, or other water crafts, rail-cars, wagon trains, common carriers, or to the delivery of goods by them, or the receiving or caring for said goods by the parties or their agents, to whom said goods are delivered, or to stages carrying the United States mail, or passengers, founderies, sugar mills, or to stock-keepers, or herders, who have a herd of stock actually gathered, and under herd, or to persons traveling on the highway, or ferrymen, or keepers of toll-bridges, keepers of hotels and their servants, keepers of livery stables and their servants; Provided, further, that this section shall not be construed so as to apply to any person who conscientiously believes that the seventh, or any other day of the week, ought to be observed as the Sabbath and who actually refrains from secular business and labor on that day.

Sec. 2. That any person or persons who shall run, or be engaged in running, any horse races, or engage in the sale or retail of spirituous or other intoxicating liquors, or who shall permit or allow the use of any nine or ten pin alley or billiard table, or who shall be engaged in match shooting, card playing, or any species of gambling, on Sunday, shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined not less than fifteen nor more than seventy-five dollars.

Sec. 3. That any person or persons who shall engage in hunting game, either with gun or dogs, or otherwise, on Sunday, shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined not less than five nor more than twenty-five dollars; and if, upon the trial of any cause coming under the provision of this section, it shall be proven that the stock of any person has been injured or killed, which proof shall be admissible in all cases, the party or parties shall be fined double the amount beforementioned, and shall be adjudged to pay all damages to the person whose stock has been injured or killed.

Sec. 4. That any merchant, grocer, trader, or dealer in stock, wares, or merchandise, who shall trade or barter the same on Sunday, shall be deemed guilty of a misdemeanor, and upon con-

viction, shall be fined not less than ten nor more than fifty dollars.
Passed November 13, 1866.

CHAPTER CLXXIX.

An Act to regulate the sale, alienation, removal or transfer of Animals in this State, and to require Butchers to report to the Police Court all animals slaughtered, and for other purposes.

Section 1. Be it enacted by the Legislature of the State of Texas, That hereafter, upon the sale, alienation or transfer of any horse, mare, mule, gelding, colt, jack, jennet, cow, calf, ox, or beef steer, by any person in this State, the actual delivery of such animals shall be accompanied by a written conveyance from the vendor, or party selling, to the purchaser, giving the number, marks or brands; and hereafter, upon the trial of the right of property in any of the animals mentioned, or upon the trial of any person charged with theft of such animals, in any court of this State, the possession of the animals in controversy, or charged to have been stolen by the party, without the written conveyance, as herein provided, shall be prima facie evidence against the party of the illegal possession of such animals; Provided, persons may dispose of stock animals of the kind mentioned, as they run in the range, by the sale and delivery of the brands and marks; and in every such sale of animals as they run in the range, the purchaser, in order to acquire title thereto, shall have his conveyance, or bill of sale of such stock, recorded in the County Clerk's office, in a book to be kept by him for that purpose, and such sale or transfer shall be noted on the record of original marks and brands, in the name of the vendee or purchaser.

Sec. 2. That hereafter, any person who shall purchase animals of any class named in the first section of this act, for the purpose of driving to market out of the county where purchased, or out of the State, the party purchasing shall, before moving the animals out of the county where purchased, deposit with the Clerk of the County Court, for record, a bill of sale and correct list of the number, marks, brands, and kind of animals, together with his post-office, or place of abode, signed and acknowledged by the vendor or vendors. which shall be recorded in the book

kept by the Clerk for that purpose, and with his certificate of record, under seal attached, shall be returned to the purchaser, upon payment of the recording fees, and persons desiring to drive their own stock raised by themselves, shall, in like manner, procure a certified copy of his or their marks and brands, and any person or persons who may be found in any county in this State, driving any herd, drove, or animals, as abovementioned, out of the county or State, to be sold in market, and shall not have in his or their possession the recorded list of his or their marks and brands, or bill of sale, for the animals in his or their possession, shall be liable to arrest by any authorized officer in the State, and shall be deemed guilty of a violation of the laws of this State, and upon trial and conviction, either upon information or indictment, shall be fined in the sum of not less than double the value of each animal so driven, to be paid into the county treasury of the county where the party may be convicted, and the officer trying the same, shall cause the stock, or animals, so illegally held, to be returned to the owner, at the expense of the convicted party.

Sec. 3. That any person or persons, in any county, town, or village, in this State, engaged in the slaughter and sale of animals for market, such person or persons shall make a regular report to the Police Court of the county, under oath, giving the number, color, age, marks and brands, of every animal slaughtered, and shall exhibit to the marshal of any town or city, or Clerk of the County Court, the hides of the beef, so slaughtered, and such officer shall take and file a list and description of such hides, which report shall be made to each regular meeting of the court, and be recorded by the clerk, for the inspection of any one interested. Each report made shall be accompanied by the bill of sale, or written conveyance, to the butcher, for every animal that he has purchased for slaughter; and if any of the animals slaughtered have been raised by himself, it shall be so stated in the report, and any butcher or person engaged in slaughtering, who shall kill any unmarked or unbranded animal for market, or shall purchase and kill any animal without the proper bill of sale, other than his own raising, or shall fail to make the report to the Police Court, as is herein provided, shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined in the sum of not less than fifty dollars, nor more than three hundred dollars, for each offence, to be paid into the County Treasury, as a jury fund.

Sec. 4. That it is hereby made the duty of the Police Court of each county to examine, at its regular meetings, all records and reports made under this act, and to inquire into and report

to the Grand Jury or county Attorney any person guilty of violating the same, and if in vacation, to cause the offender to be arrested, and the facts to be inquired into, before some Justice of the Peace; and if guilty, to be required to execute bond, conditioned as other penal bonds, for his appearance at the next term of the District or County Court; and in default thereof to be imprisoned as in other cases. The Judges of the District Courts in each county in this State shall be required to give this act specially in charge to the Grand Jury of each county at its organization.

Sec. 5. That an act approved 4th day of March, 1863, entitled "An Act to regulate the sale of beef cattle, and to require butchers to keep and return lists of cattle slaughtered, and to prevent the sale of unmarked or unbranded calves," be, and the same is hereby repealed, and that this Act take effect and be in force from and after the 1st day of January, 1867.

Passed November 13, 1866.

CLXXX.

An Act amendatory of an act entitled an act regulating Juries, approved February 13, 1858.

Section 1. Be it enacted by the Legislature of the State of Texas, That the fourth section of the above entitled act, shall hereafter read as follows: That there shall be drawn and summoned twenty-four persons, (as hereinafter provided) to serve as petit jurors for each week provided by law for the holding of the District Court for the several counties. From jury box number one, there shall be drawn by the Clerk of the District Court, and the Clerk of the County Court in every county, in the presence of some Justice of the Peace, at least thirty days before the first day of the term of the District Court to be held for the county, the names of twenty-four persons for each week provided by law for the holding of the District Court for the county, to serve as jurors at such term of the District Court, and as they are drawn, the tickets, on which their names are written, shall be placed in jury box number two; every draft shall be made from jury box number one, and the tickets drawn shall be placed in box number two, and whenever the tickets in box number one are exhausted, then the contents of box number two shall be placed in number one; so that the jury service shall be

as nearly as possible equalized. If in making the draft, as before required, any name shall be drawn which is in the list of grand jurors selected by the County Court, for the same term of the District Court, the ticket so drawn shall be placed in box number two, but the name of the grand juror shall not be counted in the list of jurors drawn, and another name shall be drawn.

Sec. 2. That the sixth section of said act shall hereafter read as follows: That the Clerk of the County Court shall enter the names of the persons drawn as before required in the jury book, stating the time of the draft and the term of the Court for which it is made, designating which of the persons so drawn are to serve during the first, and which each of the subsequent weeks of said term of the District Court, and shall, together with the Clerk of the District Court, and the Justice of the Peace aforesaid, certify thereto, and in like manner the Clerk of the District Court, shall enter the same upon the minutes of the District Court, and with the Clerk of the County Court and Justice of Peace aforesaid, shall certify thereto.

Sec. 3. That the 7th section of the above recited act, shall hereafter read as follows: That it shall be the duty of the Clerk of the District Court, immediately after the draft of jurors, as contemplated in the preceding sections of this act, has been made, to issue a venire facias, in due form, for the jurors drawn to serve for each week, directed to the Sheriff or other officer, containing the names of the persons who have been drawn to serve as jurors for said week, and commanding him to summon them to appear and serve as jurors at the next succeeding term of the Court, naming the time and place where they shall appear.

Sec. 4. That the ninth section of the above recited act, shall hereafter read as follows: It shall be the duty of the person summoned in accordance with the provisions of the foregoing sections of this act, to attend at the time and place at which they have been summoned, and to serve as jurors during the time for which they have been summoned, or until discharged by the Court. That this act take effect from and after its passage.

Approved November 13th, 1866.

CHAPTER CLXXXI.

An Act to protect the citizens of Winchester, in Fayette county, and the vicinity thereof, from immoral practices.

Section. 1. Be it enacted by the Legislature of the State of Texas, That it shall not be lawful for any person or persons to

sell, barter, or exchange spirituous or intoxicating liquors within three miles of Winchester Academy, near the town of Winchester, in Fayette county, Texas; nor shall it be lawful for any person or persons to establish any race-track, or run horse-races, within the same distance of said academy; Provided, That the sale of such spirits shall not be prohibited for medical or sacramental purposes; and any person or persons so offending shall, on conviction thereof, before any Court of competent jurisdiction, for each and every such offence, be fined in a sum of not less than twenty-five, nor more than one hundred dollars.

Approved November 13, 1866.

CHAPTER CLXXXII.

An Act to amend the first section of an Act entitled "An Act to amend the 110th section of an Act entitled an Act to regulate proceedings in the County Court pertaining to the estates of deceased persons," passed 20th March, 1848, approved January 1st, 1862.

Section 1. Be it enacted by the Legislature of the State of Texas, That from and after the passage of this Act, the first section of the above recited Act shall read as follows:

Any person capable of making a will, may so provide, by his or her will, that no other action shall be had in the County Court, in relation to the settlement of his or her estate, than the probating and registration of his or her will, and the return of an inventory of the estate; and in all such cases, any person having a debt or claim against said estate, may enforce the payment of the same by suit against the executor of such will, and when judgment is recovered against the executor, the execution shall run against the estate of the testator in the hands of such executor; Provided, That no such executor shall be required to plead to any suit brought against him for money until the expiration of twelve months from the date of the probate of such will. But in cases where no bond and security has been required of such executor, at the time of the probate of such will, any person having a debt, claim or demand, against said estate, to the justice of which oath has been made, by himself, his agent or attorney, or any person having an interest therein, whether in person or as representative of another, may, by complaint filed in the Court where such will was probated, cause such

executor to be cited to appear before such Court, at some regular term, and on making it appear to the satisfaction of said Court that such executor is wasting or misapplying said estate, or that such executor is insolvent, or in failing circumstances, and that thereby said creditor may probably lose his debt, or such person his or her interest in the estate, it shall be the duty of said Court to order such executor to give bond, with two or more good and sufficient sureties, for an amount equal to double the full value of said estate, to be approved by and payable to the County Judge of the county, conditioned that said executor will well and truly administer such estate, and that he will not waste, mismanage, or misapply the same, which bond may be recovered upon as other bonds given by executors and administrators; and should such executor fail to give such bond within ten days after the order requiring him to do so, then it shall be the duty of the County Judge to remove him from the executorship of such estate, and to appoint some competent person in his stead, whose duty it shall be to administer said estate according to the provisions of such will, and who, before he enters upon the administration of said estate, shall be required to give bond as herein above provided for.

Sec. 2. That this Act take effect from its passage.

Approved November 13, 1866.

CHAPTER CLXXXIII.

An Act to amend Sections 5, 6, 7, 8, 9, 10 and 11 of "An Act to regulate Fees of Office," approved March 20th, 1848.

Section 1. Be it enacted by the Legislature of the State of Texas, That section 5, 6, 7, 8, 9, 10 and 11 of "An Act regulating Fees of Office," approved March 20th, 1848, be so amended as to hereafter read as follows, to wit:

TO CLERKS OF THE DISTRICT COURTS.

Sec. 5. For each writ or citation, in a civil suit, seventy-five cents; for copy of petition, including certificate and seal, for each hundred words, twenty cents; for docketing each cause, to be charged but once, twenty-five cents; for filing each paper in a cause, fifteen cents; for entering each appearance, in person or by attorney, to be charged but once, twenty cents; for entering

each continuance, twenty-five cents; for entering each motion or rule, not otherwise provided for, with the order, judgment, or decree of the Court thereon, one dollar; for swearing each witness in a cause, fifteen cents; for administering each oath or affirmation, without a certificate, fifteen cents; for a certificate and seal to such oath or affirmation, twenty-five cents; for each subpoena, for one witness, thirty cents; for each additional name in such subpoena, fifteen cents; for writing and taking a bond, in every case where a bond is required to be taken or filed in said Court, one dollar and fifty cents; for each recognizance entered of record, seventy-five cents; for swearing and empanneling a jury, and receiving and recording a verdict in each cause tried by a jury, seventy-five cents; for assessing the damages in each cause not tried by a jury, seventy-five cents; for each commission to take the deposition of one or more witnesses, seventy-five cents; for copy of interrogatories, or cross interrogatories, with certificate and seal, for each hundred words, twenty cents; for each scire facias, (except against a juror who may be excused,) one dollar and fifty cents; for entering each interlocutory judgment, not otherwise provided for, seventy-five cents; for entering each final judgment in a cause, seventy-five cents; for entering each indictment, thirty cents; for arraigning each prisoner and entering his pleas, seventy-five cents; for each commitment of a prisoner, one dollar; for taxing a bill of costs, in each case, and a copy thereof, fifty cents; for each execution, seventy-five cents; for each writ of possession or restitution, one dollar; for each capias, or other original writ, in a criminal cause, seventy-five cents; for making out and transmitting a mandate and judgment of the District Court, upon an appeal from the Police Court, one dollar and fifty cents; for entering the return of each writ of execution, possession or restitution, and recording the return of the officer thereon, seventy-five cents; for a transcript of the record and papers in any cause where an appeal or writ of error is taken, with certificate and seal, for each hundred words, twenty cents; for each certificate to any fact or facts contained in the records of his office, with certificate and seal, seventy-five cents; for docketing each cause from the County Court, seventy-five cents; for filing the record of each cause from the County Court, fifty cents; for every service not otherwise provided for, such fee as may be allowed by the District Court, not to exceed the fees herein allowed for services requiring the like amount of labor. There shall be allowed to said Clerk such books, stationery and office furniture, as may be necessary for his office, to be paid on the order of the Police Court, out

of the County Treasurer; and a suitable office shall also be provided by the Police Court, at the expense of the county.

TO THE CLERKS OF THE POLICE AND COUNTY COURTS.

Sec. 6. For filing each paper required to be filed in their Courts, in relation to the estates of decedents or wards, fifteen cents; for making out and posting the necessary notices upon each application for the probate of a will, or for the appointment of an administrator or guardian, or in any other case where notices are required to be given in any manner relating to the estates of decedents and wards, one dollar; for docketing each application, complaint, petition or proceeding in relation to the estates of decedents or wards, to be charged but once, fifteen cents; for each writ or citation, seventy-five cents; for each copy of an application, complaint or petition, that is required to accompany a writ or citation, with certificate and seal, for each hundred words, twenty cents; for making out and attesting letters testamentary, or of administration, or of guardianship, seventy-five cents; for taking and recording the bond and oath of an executor, administrator or guardian, one dollar; for entering each order, judgment or decree, in relation to the estates of decedents or wards, seventy-five cents; for recording all papers required to be recorded by them in relation to the estates of decedents or wards, for each hundred words, twenty cents; for swearing each witness in Court, fifteen cents; for administering each oath or affirmation, without a certificate, fifteen cents; for a certificate and seal, when necessary, twenty-five cents; for each subpoena for one witness, thirty cents; for each additional name inserted in such subpoena, ten cents; for each commission to take the deposition of one or more witnesses, seventy-five cents; for copy of interrogatories, or cross interrogatories, with certificate and seal, for each hundred words, twenty cents; for making out a transcript of the papers and records in any cause taken from the Police Court to the District Court, with certificate and seal, and transmitting the same, for each hundred words, twenty cents; for each execution, seventy-five cents; for entering the return of each execution, and recording the return of the officer thereon, seventy-five cents; for making copies of any papers or records in their offices, with certificate and seal, for each hundred words, twenty cents; for taking the acknowledgment or proof of any deed, bond, power of attorney, or any other instrument of writing, with certificate and seal, seventy-five cents; for filing and recording each deed, bond, power of attorney, or any other

instrument permitted or required to be recorded by them as recorders, for each hundred words, twenty cents, including the certificate to such recording, with seal. The recording of all bonds of county officers shall be paid for by the officer executing the same. For each marriage license, and receiving and recording the return made thereon, one dollar and fifty cents; for each license to a ferryman, one dollar and fifty cents; for every license not otherwise provided for, one dollar; for each certificate of any fact or facts contained in the records of his office, with seal, fifty cents; for every service for individuals not otherwise provided for, such fee as may be allowed by the Police Court, not to exceed the fees herein allowed for services requiring a like amount of labor; for all services as Clerk of the County Court, the same fees as are allowed to Clerks of the District Court, for similar services; for all county business in relation to road, ferries, bridges, elections, and all other county matters not herein provided for, such allowance as may be made by the Police Court, to be paid out of the County Treasury. The Police Court shall also furnish said Clerks suitable offices, stationery, record books, and such office furniture as may be necessary, at the expense of the county.

OF THE JUDGE OF THE COUNTY COURT.

Section 7. For taking the probate of a will, two dollars and fifty cents; for appointing an executor, administrator or guardian, and approving bond, one dollar and fifty cents; for each appointment of appraisers, seventy-five cents; for each order of sale, seventy-five cents; for each approval and confirmation of sale, one dollar and fifty cents, for each decree for a partition and distribution, two dollars and fifty cents; for examining and approving or setting aside the report of commissioners of partition or distribution, two dollars and fifty cents; for removing an executor, administrator or guardian, one dollar and fifty cents; for administering an oath, with certificate and seal, fifty cents; for each certificate, not otherwise provided for, with seal, fifty cents; for each order required in relation to the estates of decedents, or wards, not otherwise provided for, seventy-five cents; they shall also be allowed a commission of one-half of one per cent. upon the actual cash receipts of each executor, administrator, or guardian, upon the approval of his annual exhibits, and the final settlement of his accounts, but no more than one such commission shall be charged on any amount received by any executor, administrator or guardian: for each certificate of

election, with seal, seventy-five cents; for ordering all elections, and doing all other business required of him by law, in relation to elections, such sum as may be allowed him by the Police Court.

TO SHERIFFS.

Sec. 8. For serving each original writ, or citation in a civil suit, and a copy of petition, one dollar and fifty cents; for serving a *capias*, or other writ, not otherwise provided for in a criminal cause, one dollar; for summoning each witness, fifty cents; for the distance actually and necessarily traveled to summon a witness, computing one way only, ten cents for each mile; for serving each notice of the taking of depositions and copy of interrogatories, one dollar; for traveling to make the service, the same as for summoning witnesses; for serving each *scire facias*, (except against a defaulting juror who may be excused,) one dollar, for levying and returning each writ of attachment or sequestration, two dollars and fifty cents; for serving each citation and garnishee, one dollar; for each cause tried in the District, or County Court, a jury fee shall be taxed for the Sheriff of fifty cents; for taking each bond or recognizance, and returning the same to the proper court, when necessary, one dollar; for serving any writ, not otherwise provided for, one dollar; for each commitment or release, one dollar; for levying each execution, one dollar and fifty cents; for returning each execution, seventy-five cents; for executing and returning each writ of possession, or restitution, four dollars; for all services attending the appraisalment of property, when required, one dollar and fifty cents; for posting the advertisements for sales under execution, or any order of sale, one dollar and fifty cents; for endorsing the forfeiture of any bond required to be endorsed by him, fifty cents; for executing a deed to each purchaser of real estate under an execution, or order of sale, three dollars; for executing a bill of sale to each purchaser of personal property under an execution, or order of sale, when demanded by a purchaser, one dollar; for making money on execution, or any order of sale, when the same is made by a sale, for the first hundred dollars, four per cent; for the second hundred dollars, three per cent.; for all sums over two hundred dollars, two per cent.; when the money is made without a sale, one-half of said rates shall be allowed; for executing each death warrant, thirty dollars; for removing a prisoner, for each mile going and returning, including guard and all other expenses, thirty cents; for attending a prisoner on *habeas corpus*, four dollars for each day; for taking care of property levied

on by execution, sequestration or attachment, all reasonable expenses to be taxed and allowed by the court to which such writ is returnable; for summoning jurors to the District and County Courts, serving all election notices, notices upon overseers of roads, attending the District, County and Police Courts, and doing all other public business not otherwise provided for, such sum as may be allowed by the Police Court, not to exceed two hundred dollars a year; for traveling in the service of any process above enumerated, and not otherwise provided for, the sum of ten cents for each mile going and returning, computing the distance from the place of service to the place of return; if two or more persons are named in the writ, the fee shall be charged for the distance actually and necessarily traveled in the service of the same.

TO CORONERS.

Sec. 9. For summoning a jury, and all other business connected with an inquest upon a dead body, including certifying and returning the same to the proper court, six dollars; for issuing a *capias*, or warrant of arrest, one dollar; for a warrant of commitment, one dollar; to be paid out of the County Treasury; and a Justice of the Peace, when performing such service, shall receive a like fee, to be paid in like manner. In all cases where a Coroner shall perform any of the duties of Sheriff, he shall be entitled to the same fees as are allowed to Sheriffs.

TO JUSTICES OF THE PEACE.

Sec. 10. For each citation, or writ, in civil suits, sixty cents; for each warrant in criminal cases, seventy-five cents; for taking the examination of complainant, in writing, for each hundred words, twenty cents; for taking each recognizance in a criminal case, seventy-five cents; for taking each bond, if not otherwise provided for, seventy-five cents; for each subpoena for one witness, twenty-five cents; for each additional name inserted in a subpoena, fifteen cents; for docketing each cause, fifteen cents; for each continuance, twenty cents; for swearing each witness in court, fifteen cents; for administering an oath, or affirmation, fifteen cents; for each certificate, twenty-five cents; for administering the oath, taking bond, and issuing a writ of attachment, or sequestration, one dollar and fifty cents; for a venire for a jury, swearing a jury, and receiving and recording their verdict, seventy cents; for each interlocutory judgment, or orders in a cause, thirty cents; for each final judgment, seventy cents; for

each application to set aside a judgment by default, or of nonsuit, or for new trial, with a final order or judgment of the justice thereon, seventy cents; for taking each appeal bond, thirty cents; for each commission to take depositions of one or more witnesses, seventy cents; for copy of interrogatories, or cross interrogatories, for each hundred words, twenty cents; for making out and certifying a transcript of the entries on his docket, and filing the same with the original papers of the cause in the District or County Court, in each cause, one dollar and fifty cents; for each execution, sixty cents; for each writ of possession, or restitution, one dollar; for receiving and recording the return on each execution, writ of possession, or restitution, fifty cents, for issuing a search warrant, fifty cents; for each commitment, fifty cents; for taxing costs in each cause, fifteen cents; for a copy of bill of costs, when required, ten cents; for every certificate not otherwise provided for, thirty cents; for making copies of any records or papers in his office for any person applying for the same, for each hundred words, twenty cents; for taking the testimony of witnesses in writing, or the voluntary statements of persons accused in examinations for offences, for each hundred words, twenty cents; for returning the testimony of witnesses in criminal cases, or the voluntary statements of defendants to the District or County Court, one dollar; for any service not herein enumerated, the same rates as are herein provided for similar services.

TO CONSTABLES.

Sec. 11. For serving each writ or citation in a civil suit, seventy cents; for serving each warrant in a criminal case, seventy-five cents; for serving each notice, for taking depositions and a copy of interrogatories, seventy cents; for executing a search warrant, one dollar; for levying and returning each writ of attachment or sequestration, one dollar and fifty cents; for summoning each witness, twenty-five cents; for committing a person to jail, one dollar; for taking each bond, one dollar; for levying each execution, seventy cents; for executing each writ of possession or restitution, one dollar and fifty cents; for returning each execution, writ of possession or restitution, forty cents; for summoning a jury in a Justices court, one dollar and thirty cents; for summoning a jury to hold an inquest before a Coroner, two dollars and fifty cents; for advertising sale under execution, or an order of sale, seventy cents; for each appraisement of property for sale under execution, or an order of sale, seventy cents; for making title to purchaser of real estate under execution, or

order of sale, two dollars; for bill of sale to purchaser of personal property under execution, or order of sale, when demanded by the purchaser, seventy cents; for making money under execution, or order of sale, when a sale is made, five per cent. on the amount realized by the sale; when the money is made without a sale, three per centum on the amount; for conveying a prisoner to jail, or before any court, or magistrate, including guard, and all other expenses, thirty cents a mile in going and returning; for each days attendance on the District Court, when summoned by the Sheriff, two dollars, exclusive of fees allowed for serving process; for attendance with a prisoner before a Justice of the Peace, or Magistrate, for each day, two dollars; for taking care of property levied on by writ of execution, sequestration, or attachment, all reasonable expenses to be taxed and allowed by the court to which such writ is returnable; for traveling in the service of any process not otherwise provided for, fifteen cents for each mile to be charged for one way only, computing the distance from the place of service to the place of return. If two or more persons are named in the same writ, the fee shall be charged only for the distance actually and necessarily traveled in the service of the same. The increase in the fees of officers, as provided herein, is made upon the basis of United States currency, and where payment of fees are made in said currency, the amounts, as herein fixed, shall be paid; and where the same are paid in specie, the fees, as heretofore allowed by law, only shall be demanded.

Approved November 13, 1866.

CHAPTER CLXXXIV.

An Act to authorize the County Court of Marion County to appropriate a portion of the Jury Fund of said county for the purpose of building a Jail for said county.

Section 1. Be it enacted by the Legislature of the State of Texas, That the County Court of Marion county be and the same is hereby authorized to appropriate, from time to time, so much of the Jury Fund of said county as may not be required to pay jury claims, to the building of a Jail for said county.

Sec. 2. That all laws and parts of laws in conflict with this act, be and the same are hereby repealed.

Sec. 3. That this Act take effect and be in force from and after its passage.

Approved November 13, 1866.

CHAPTER CLXXXV.

An Act supplemental to an act entitled an act supplementary to an act entitled an act to regulate proceedings in the County Courts pertaining to estates of deceased persons, approved March 20th, 1848, approved November 15th, 1864.

Section 1. Be it enacted by the Legislature of the State of Texas, That any decree, finally closing any estate under and by virtue of the provisions of this act, to which this is a supplement, may be revised and corrected in the District Court of the county in which the letters were granted, to such executor or administrator, upon the ground that there was error, fraud or mistake, of law or fact, in such final account and settlement, upon the application of the State, by bill of review, in the same manner as is now provided by law for the revision and correction of any such account and settlement by any individual interested in an estate.

Sec. 2. In any case in which the Governor has reason to believe that there has been fraud, error, or mistake of law or fact, in any such final account and settlement, he is authorized to retain counsel, and have proceedings instituted, in accordance with this act and the laws of the State, to have such final account and settlement revised and corrected, for the protection of the rights of the State, and for such services, the counsel so retained shall be allowed a reasonable compensation.

Sec. 3. That all suits brought for the collection of the assets turned over to the Treasurer of the State, under the act to which this is a supplement, shall be brought in the name of the State of Texas.

Sec. 4. That Section 12, of an Act concerning escheats, approved March 20th, 1848, Article 690, Oldham & White's Digest, be and the same is hereby repealed.

Sec. 5. That this Act take effect and be in force from and after its passage.

Approved November 13, 1866.

CHAPTER CLXXXVI.

An Act to revive and amend an Act entitled "An Act to provide for the organization of the Militia of the State of Texas

Section 1. Be it enacted by the Legislature of the State of Texas, That every able-bodied free white male inhabitant of this

State, between the ages of eighteen and forty-five years, shall be liable to perform military duty, except as herein provided; but no person shall be called on to perform military duty who shall not, at the time, have resided at least one month in the State, and ten days within the bounds of the company to which he belongs, except in cases of actual or threatened invasion, in which case he shall perform such duty as may be required of other persons, and shall be subject to like fines and penalties.

Sec. 2. Judges of the Supreme Court, District and Probate Courts, Secretary of State, Auditor, Treasurer and Comptroller of the State, Clerks of the Supreme and District Courts, Justices of the Peace, Postmasters who have the care of the mails of the United States, post-riders, public millers, ferrymen on public roads, teachers and professors in academies, shall be exempt from military duty, except in cases of imminent danger, insurrection or invasion.

Sec. 3. This State shall be divided into Eight Military Districts, as follows:

1st. The counties of Marion, Davis, Bowie, Red River, Titus, Lamar, Hopkins, Wood, Upshur, Rusk, Harrison, Panola, Shelby, San Augustine and Sabine, shall compose the First Military District.

2d. The counties of Houston, Anderson, Cherokee, Nacogdoches, Smith, Henderson, Van Zandt, Angelina, Jasper, Newton, Orange, Tyler, Trinity, Polk, Chambers, Hardin, Liberty and Jefferson, shall compose the Second Military District.

3d. The counties of Montgomery, Grimes, Walker, Madison, Robertson, Limestone, Freestone, Navarro, Leon, Brazos, Milam, Burleson, Washington, Harris and Galveston, shall compose the Third Military District.

4th. The counties of Brazoria, Matagorda, Wharton, Fort Bend, Colorado, Fayette, Austin, Bastrop, Travis, Williamson, Burnet, Blanco, Hays, Guadalupe and Caldwell, shall compose the Fourth Military District.

5th. The counties of Calhoun, Jackson, Lavaca, Gonzales, De Witt, Victoria, Goliad, Refugio, Nueces, Duval, San Patricio, Live Oak, McMullen, La Salle, Atascosa, Frio, Bexar, Wilson, Karnes and Bee, shall compose the Fifth Military District.

6th. The counties of Cameron, Hidalgo, Starr, Zapata, Webb, Encinal, Dimmitt, Kinney and Maverick, shall compose the Sixth Military District.

7th. The counties of Bell, Corvell, Lampasas, San Saba, Concho, McCulloch, Brown, Runnels, Coleman, Comanche, Taylor, Callahan, Eastland, Hamilton, Bosque, Falls, McLen-

nan, Comal, Kerr, Kendall, Bandera, Uvalde, Edwards, Zavala, Dawson, Medina, Mason, Menard, Llano, Gillespie, Kimball, El Paso and Presidio, shall compose the Seventh Military District.

8th. The counties of Kaufman, Ellis, Hill, Johnson, Erath, Palo Pinto, Jones, Shackelford, Stephens, Parker, Tarrant, Dallas, Fannin, Hunt, Collin, Grayson, Cook, Wise, Jack, Montague, Clay, Archer, Wichita, Denton, Young, Hardeman, Haskell, Knox, Greer, Wilbarger, Baylor and Throckmorton, shall compose the Eighth Military District.

The members of the militia in each Military District shall constitute one Division; each Military District shall be divided into not less than two Brigade Districts, regard being always had to the division of the State into Judicial Districts, as at present by law established, as follows:

BRIGADE DISTRICTS.

1st. Sabine, San Augustine, Shelby, Panola, Harrison, Rusk and Upshur counties.

2d. Marion, Davis, Bowie, Red River, Titus, Lamar, Hopkins and Wood counties.

3d. Houston, Anderson, Cherokee, Nacogdoches, Smith, Henderson and Van Zandt counties.

4th. Chambers, Hardin, Liberty, Jefferson, Orange, Tyler, Trinity, Polk, Jasper, Newton and Angelina counties.

5th. Brazos, Milam, Burleson, Washington, Harris and Galveston counties.

6th. Montgomery, Grimes, Walker, Madison, Robertson, Limestone, Freestone, Navarro and Leon counties.

7th. Brazoria, Matagorda, Wharton, Fort Bend, Colorado, Fayette and Austin counties.

8th. Bastrop, Travis, Williamson, Burnet, Blanco, Hays, Guadalupe and Caldwell counties.

9th. Calhoun, Jackson, Lavaca, Gonzales, DeWitt, Victoria, Goliad and Refugio counties.

10th. Nueces, Duval, San Patricio, Live Oak, McMullen, La Salle, Atascosa, Frio, Bexar, Wilson, Karnes and Bee counties.

11th. Cameron, Hidalgo, Starr, Zapata, Webb, Encinal, Dimmitt, Kinney and Maverick.

12th. Comal, Kerr, Kendall, Bandera, Uvalde, Edwards, Zavala, Dawson, Medina, Mason, Menard, Llano, Gillespie, Kimball, El Paso and Presidio.

13th. Bell, Coryell, Lampasas, San Saba, Concho, McCulloch.

Brown, Runnells, Coleman, Comanche, Taylor, Callahan, Eastland, Hamilton, Bosque, Falls and McLennan.

14th. Kaufman, Ellis, Hill, Johnson, Erath, Palo Pinto, Jones, Shackelford, Stephens, Parker, Tarrant and Dallas.

15th Fannin, Hunt, Collin, Grayson, Cook, Wise, Jack, Montague, Clay, Archer, Wichita, Denton, Young, Hardeman, Haskell, Knox, Greer, Wilbarger, Baylor and Throckmorton.

Sec. 4. The militia of each district, when the number of persons therein subject to military duty shall be sufficient to constitute two battalions, as hereinafter provided, shall constitute one regiment; but when the number of militia men in any district shall not be sufficient to constitute two battalions, the militia of such district shall constitute a separate battalion, to be formed into independent companies, as may be found most convenient; and when the number in any district shall exceed the whole number hereinafter required to constitute a full regiment, including any independent companies which may be raised in such county, the same may be divided into two regiments, by the Brigadier General commanding the brigade to which such district may belong, in such manner as he shall direct; each battalion shall consist of not more than five, nor less than three companies, and each company of not more than one hundred, nor less than eighty, non-commissioned officers and privates; and the regiments and battalions shall be numbered by the Commander-in-Chief, and arranged in numerical order.

Sec. 5. All commissioned officers shall rank according to their grades and the date of their commissions; but where officers of the same grade are elected or appointed on the same day, a difference in the date of their commissions shall not determine their rank; the rank of all the field or General officers of this State, being of the same grade, and who are elected or appointed on the same day, under the provisions of this Act, for the government and organization of the militia of this State, shall be determined by lot, to be drawn by the Adjutant General, in the presence of the Governor and Secretary of State, which duty he is required to perform as soon as practicable, and immediately thereafter to transmit to each officer so drawn the result of such drawing; and it shall be the duty of the Adjutant General to make an entry, in a book kept by him for that purpose, of the grade and rank of each officer whose grade is determined as specified in this Act.

Sec. 6. The rank of Captains and subaltern officers, which may hereafter be elected on the same day, belonging to the same regiment, shall be determined by lot, drawn in presence of the

Colonel commandant, and the Adjutant shall make a record of the grade and rank of each officer whose rank is so determined; and each regiment shall be commanded by one Colonel; and each separate battalion, and the first battalion in each regiment, by a Lieutenant Colonel; the second battalion in each regiment by one Major; each company by one Captain, one 1st and 2d Lieutenants, and such non-commissioned officers as are usually appointed to companies in the service of the United States. The Major Generals, each, shall appoint his Aid-de-camp, and the Governor shall appoint one Aid-de-camp in each Major General's division, with the rank of Colonel of cavalry; the Brigadier Generals, each, his Aid-de-camp and Brigade Major; the commanding officer of each regiment and separate battalion, his Paymaster, Judge Advocate, Adjutant, Quartermaster, Sergeant-Major and Fife-Major; and the Captains their drummers and fifers.

Sec. 7. The Major and Brigadier Generals of the State shall be allowed to appoint, in addition to the staff allowed them by this Act, such other additional staffs as are allowed to officers of like grade in the army of the United States.

Sec. 8. The Staffs of the Major Generals shall rank as Colonel of infantry; the Staffs of the Brigadier Generals as Majors of cavalry; and the Staffs of the Colonels commandant shall rank as Captains of infantry; and the said officers, when called into actual service, either by authority of this or the United States, shall be entitled to the same pay and emoluments as officers of the like grade belonging to the United States army.

Sec. 9. The Governor shall, immediately after the passage (of this Act) appoint one Brigadier General for each brigade and one Major General for each division, in each brigade district, whose duties shall be to organize the militia as in section 10th of this Act, and he shall hold his office for four years, and thereafter until his successor shall be elected.

Sec. 10. It shall be the duty of each Brigadier General, so soon as he may be elected and commissioned by the Governor, under the provisions of this Act, to proceed, without delay, to divide his brigade into regiments and battalions, or separate and independent battalions, as the case may be; and said division shall be made as nearly equal and equitable as practicable; and it shall be the duty of said Brigadier General to proceed to order or cause elections to be held throughout their respective commands, for Colonels Commandant, Lieutenant Colonels and Majors for each regiment or separate battalion, which election shall be held according to law, and returns made thereof to the

Governor, who shall commission said colonels, lieutenant colonels and majors, as the case may be; and said colonels, lieutenant colonels and majors shall, after receiving their respective commissions as herein contemplated, cause their respective regiments or battalions to be divided into companies, as nearly equal as practicable, and cause elections to be holden in each county beat for captain, one first lieutenant and one second lieutenant for each company, and such other officers as are allowed by law in the United States service, giving at least fifteen days notice of such election; which election shall be held according to (the) law regulating elections for civil officers, and the returns thereof to be made to the Colonel Commandant or the Lieutenant Colonel Commandant of each separate battalion, as the case may be, within ten days thereafter, whose duty it shall be to keep said election returns, and within five days thereafter to make out an abstract of said election returns under his hand and seal, and transmit the same to the Governor by mail, whose duty it shall be to commission all persons elected as aforesaid; and the terms of service of all officers elected under the provisions of this Act shall be during good behavior, or in case of promotion, resignation or discharge.

Sec. 11. It shall be the duty of the Governor to issue his Proclamation, requiring elections to be (held) in each division, brigade, regiment, battalion and company, throughout the State, for all officers contemplated by this Act, to be elected on the day set apart by the Proclamation, notice of which election shall be published in at least one newspaper in each brigade or division thirty days previous to said election, which elections shall be held at the same places, conducted in the same manner, and returned in the same way as elections for civil officers, to the Governor of the State, who shall commission the same. All elections to fill vacancies shall be held as follows: To fill a vacancy in the office of colonel of a regiment or lieutenant colonel commanding a separate battalion, the Brigadier General shall issue his order, giving thirty days' notice; to fill a vacancy in the office of lieutenant colonel or major of a battalion, the Colonel shall issue his order, giving ten days' notice; and to fill a vacancy in the office of first and second lieutenant, the Captain shall issue his order, giving five days' notice thereof.

Sec. 12. No person who shall be elected and commissioned in the military department of this State shall resign the same until he shall have fully organized the militia under his command, and shall have made full returns thereof, of the number of effective men under his command to his superior officer, under the following

penalties: If he be a Major General, in the sum of one hundred dollars; if a Brigadier General, in the sum of seventy-five dollars; if a Colonel of a regiment or a Lieutenant Colonel of a separate battalion, in the sum of fifty dollars; if a Lieutenant Colonel or Major of a battalion, in the sum of forty dollars; if a Captain, in the sum of thirty dollars; if a First or Second Lieutenant, in the sum of twenty dollars; to be recovered and appropriated as other fines and penalties are by this Act directed.

Sec. 13. In all cases where the militia in any of the military divisions of this State, shall fail to elect such officers as they are required to by law, such division shall be attached to, and form a part of, some other division which shall have the requisite officers, and shall be subject to perform all military duty by this Act required, under the command of the officers of the division to which they may be attached; if the delinquency or failure shall occur in a company division, the militia of such division shall be attached to the next adjoining company in the same battalion, if any company of the battalion to which such division belongs shall have the requisite officers, by order of the lieutenant colonel or major of such battalion: and if there shall be no company in the battalion organized and officered as required by this Act, the militia of each company of such battalion shall be attached to the most convenient company of the regiment which shall be found to have the requisite officers, by an order of the colonel of such regiment; and if any regiment or separate battalion shall be found unorganized and without the requisite officers, the militia of such regiment or separate battalion shall be attached to the most convenient regiment or separate battalion in the brigade which shall be found to have the officers and organization required by law, by an order of the Brigadier General of the brigade to which such regiment or battalion may belong. If any brigade shall be found unorganized and without the requisite officers to command the same, the militia of such brigade shall be attached to the most convenient brigade in the division to which such division belongs, which shall be found to have the officers required by law, by order of the Major General of such division: and in all cases when the militia of any division shall be attached to any other division, as hereinbefore provided, the militia so attached shall be commanded by the officers of the division to which they shall be attached, and shall be liable to the same duty, and subject to the same fines and penalties as if they had previously belonged to such division; and the militia of any division attached to another division, as aforesaid, shall remain subject to such command until they shall be admitted by

an order of their superior officer to whose command they may be attached, to elect the requisite officers to command such, and shall have reported to him that they have all the requisite officers to command such division, and shall have reported to him that they have all the requisite officers for the command of their separate divisions, duly elected and commissioned; after which, the command of the officers to which they shall have been attached shall cease, and shall devolve on the officers of the division elected and commissioned as aforesaid; and if any division shall be found a second time unorganized and without officers as required by this Act, they shall, in like manner, be again attached to some division having the requisite officers and organization, and shall be debarred the privilege of again separating from the division and command to which they shall be attached, and shall permanently compose a part of said command, anything in this Act to the contrary notwithstanding; and the officer whose duty it is made by this Act to order militia of any of the divisions to be attached to some other division, as provided for by this Act, shall, at the time of issuing said order, give public notice thereof to the militia of the division to be attached as aforesaid; if it be a company, the notice shall be in writing, put up in at least two of the most public places in the company beat; if it be a battalion the like notice shall be put up in at least one of the most public places of each company of the battalion; if a brigade, regiment or separate battalion, the like notice shall be put up in at least one of the most public places of the brigade, regiment or separate battalion, or be published for three weeks successively, in one or more of the newspapers published in this State; and any notice, given as aforesaid, shall be deemed in law sufficient, and the militia as notified shall, from the time of issuing such order and giving such notice, be considered and treated as a part of the division to which they may be attached, and compose a part of the command of the officers of the division to which they are attached, anything in this Act to the contrary notwithstanding; and any general order issued by the Commander-in-Chief, any Major General or Brigadier General, and published in any newspaper printed in this State for three weeks successively, shall be deemed in law a sufficient notice thereof to the militia, and to all persons to be effected thereby, and shall be, to all intents and purposes, as valid as if the same were communicated by express, or any other manner whatever.

Sec. 14. All elections in the militia department which may hereafter be contested, shall be determined in the following manner, viz: When the election of a colonel of a regiment, or

lieutenant colonel of a separate battalion, or lieutenant colonel or major of a separate battalion, shall be contested, complaint and application shall, in like manner, be made to the next highest officer in command, who, upon receipt thereof, shall order a separate regiment Court of Inquiry accordingly; if under the rank of a field officer, all complaints and applications shall be made to the commanding officer of the regiment or separate battalion where the contest exists, and in order to explain and fix a principle to fix and govern the several Courts of Inquiry in their duties respecting contested elections, it is hereby declared that the person contesting shall, in all cases, be bound to furnish satisfactory proof to the Court, that the person, whose election is contested, did receive a number of illegal votes, which, if deducted, would give a majority to the person contesting; and if the contesting person shall fail to establish his charge, or if the charge shall be sufficiently supported, in either case, the Court shall report in favor of the person having the greatest number of legal votes as being duly elected; and the President of each Court of Inquiry shall certify, under his hand, the name or names of the person thus duly elected, which certificate, if commissioned officers of companies, shall be signed as aforesaid, and be directed and sent to the Colonel of a regiment or Lieutenant Colonel of the separate battalion, and by him to the Governor, who shall issue commissions in either of the above cases; and in order to provide more amply for deciding contested elections, it is hereby declared, that when the cause shall arise from any illegal proceedings of any person ordering, conducting or judging said election, on proof thereof being made satisfactory to the Court of Inquiry, such election shall be declared void, and the President, by and with the authority of such Court of Inquiry, shall direct the proper officer to issue an order or orders for an election to fill such vacancy, which election, so ordered, shall, in all things, be conducted in the same way as other elections to fill vacancies in like offices are, by this Act, directed.

Sec. 15. Each and every officer elected and commissioned under the provisions of this act, shall, previous to entering upon the execution of the duties of his office, take the following oath: "I, ——— do solemnly swear that I will support the Constitution of the United States, and of this State, and that I will faithfully and justly execute the duties of the office of ——— in the ——— Company, Battalion, Regiment, Brigade, or Division, as the case may be, of the militia of this State, according to the best of my skill, power and judgment, so help me God;" a copy of which shall be endorsed on the back of the commission, signed by the person

taking the same, and attested by the officer who administered the oath.

Sec. 16. If any commissioned officer shall move out of the bounds of his division, brigade or regiment, separate battalion or company, or offer himself a candidate for any other military appointment, or shall be absent therefrom, otherwise than on military duty, for more than twelve months at one time, his office thereby shall become vacated; and if any commissioned officer shall think himself injured by his superior officer, and shall, upon due application made to him, be refused redress, he may complain to the Brigadier-General, who shall order a Brigade Court of Inquiry, to be held under the rules and regulations prescribed by this act. If any inferior officer or private shall think himself injured by his Captain, or any other superior officer in the regiment, or separate battalion, to which he belongs, he may complain to the commanding officer of the regiment, or separate battalion, who shall order a court of inquiry, and such court shall determine the complaint, agreeably to the nature of the case; *Provided*, the person complaining, shall exhibit his charge in writing, supported by oath or affirmation.

Sec. 17. Every captain or commanding officer shall hold at least two company musters, between the months of March and November, in each year, and shall require the non-commissioned officers of his company, or such of them as he may designate, to warn his men of the place of muster, in all cases where notice thereof was not given at the previous muster; and each captain shall have the right to designate his muster-ground, but shall select some suitable muster-ground as near central as circumstances will permit; and after the first muster, the company shall select a place of muster, and every officer, non-commissioned officer and private, shall appear at his respective muster field, by eleven o'clock in the forenoon, and not leave the parade until permitted by the officer commanding the troops; and at every muster, each captain, or commander of the company, shall direct the first sergeant of the company to call the roll, in his presence, between the hours of eleven and twelve o'clock; and the commanding officer of each company shall examine every person belonging to his company, note all the delinquencies, make out an accurate statement of the strength and condition of his company, and make returns thereof to the Chief Justice of the county and to the commanding officer of the battalion to which he belongs, within twenty days thereafter, whose duty it shall be to return the same to the commanding officer of his regiment, within ten days thereafter, whose duty it shall be to make out an accurate

statement of the condition of his regiment, and return the same to the commanding officer of the brigade within ten days thereafter, to which he may belong; and the commanding officer of a separate battalion shall make a like return to the commanding officer of the brigade to which he belongs, within the same time; and the Brigadier-General shall make a like return to the Major General commanding the division to which his brigade belongs, within twenty days thereafter; and the Major General of a division shall make a like return of the division under his command to the Adjutant General of the State, within twenty days thereafter; and it shall be the duty of the Adjutant General to furnish such blank forms of all the different returns, an explanation of the principles on which they should be made, as shall be approved by the commander-in-chief; and also, to receive the returns of the militia throughout the State, from all which he shall make the proper abstract, and lay the same before the commander-in-chief of this State, within twenty days after they shall have been received by him, or sooner, if required by the commander-in-chief; and the commander-in-chief, when required, shall lay the same before the Legislature of the State, and the Adjutant General shall transmit a duplicate abstract of the number and condition of the militia to the Adjutant General's office of the United States annually.

Sec. 18. If any non-commissioned officer, musician, or private, at any muster, shall disobey the legal and proper orders of his superior officer, or act in a disorderly manner, or if by slanders, at any such muster, he shall insult, or otherwise molest any officer, non-commissioned officer or private, while on parade, or employed in any other service authorized by the laws of this State, the commanding officer of the company may order such person to be arrested and placed under guard for any length of time not exceeding six hours, and the person or persons so offending shall moreover be subject to pay such fines as may be imposed in the manner hereinafter provided.

Sec. 19. In order to compel the observance of the provisions of this act, and for the purpose of introducing a proper degree of subordination and discipline in the operations of the militia of this State, the following penalties shall be incurred and inflicted in the manner hereinafter directed, that is to say: the Adjutant General, for neglect or violation of those duties imposed upon him by this act, shall incur a penalty not exceeding one hundred dollars, nor less than fifty dollars; and any commissioned or staff officer, for failing to perform the duties required of him by this act, shall forfeit and pay as follows: commandant of a regiment,

or separate battalion, the sum of fifty dollars; the commanding officer of a company, or Adjutant, twenty dollars; Lieutenant-Colonel, or Major of a battalion, the sum of fifty dollars; and those officers respectively shall moreover be liable to be cashiered, at the discretion of a court martial. Each non-commissioned officer failing to give notice of any muster, when he shall receive orders for that purpose, without a reasonable excuse, shall be fined in the sum of five dollars: each non-commissioned officer, private or musician, failing to attend any muster, or disobeying any order which by virtue of this act, his superior may give, or failing to repair to the prescribed rendezvous, when properly warned so to do, or failing to do his duty when there, or absenting himself without lawful excuse, shall forfeit and pay such fine as the court martial shall order under the circumstances of the case, not exceeding the sum of five dollars; every non-commissioned officer appointed in pursuance of this act, shall serve during good behavior, unless in case of discharge, promotion or resignation.

Sec. 20. It shall be the duty of the commanding officers of companies to proceed forthwith to divide the companies into classes by ballot, from one to three, for the purpose of a regular routine of duty, when called into actual service, and to return a roll of each class and its number in rotation, within thirty days thereafter, to the commanding officer of the battalion, who shall transmit the same to the commanding officer of the regiment, who shall cause the same to be recorded by the Adjutant; and the commanding officer of the regiment, or separate battalion, shall make a return of the same to the Brigadier General, and those enrolled in the first class shall be subject to perform the 1st duty; and those in the 2d class, the 2d tour of duty; and those of the 3d class, the 3d tour of duty; and so on, in rotation. When any Colonel of a regiment, or a Lieutenant-Colonel of a separate battalion, shall be charged with maladministration, or neglect of duty, it shall be lawful for any commissioned officer to exhibit to the Brigadier General of the brigade, or such other officer as shall at the time have command of the brigade, a fair statement, in writing, of the charge or charges, and the facts intended to establish the same; and the Brigadier General is hereby authorized to order a brigade court martial, to consist of at least seven members, none to be under the grade of field officers, who, when assembled, shall take and subscribe the same oath prescribed for regimental courts martial; and the court being thus sworn, shall inquire into the nature and truth of the charge or charges, and if the officer accused shall be found guilty of such neglect of duty, he shall forfeit and pay (if guilty of a

misdeemeanor in office,) any sum not exceeding fifty dollars, and shall be cashiered; and when any Lieutenant, Captain, Lieutenant-Colonel of the first, or Major of the second battalion of any regiment shall be charged with any misdemeanor in office, or neglect of duty, it shall be lawful for any officer, non-commissioned officers or private, to exhibit to the Colonel of the regiment, or Lieutenant-Colonel of a separate battalion, a fair statement, in writing, of the charge or charges, and the facts intended to establish the same; and the Colonel or Lieutenant-Colonel, to whom such complaint is made in writing, may, in his discretion, order a regimental or battalion court martial, to consist of at least five commissioned officers, who shall take and subscribe the oath directed to be taken by this act, and when sworn, shall inquire into the nature and truth of the charge or charges so exhibited; and if found guilty of a misdemeanor in office, the officer accused shall be cashiered, and if guilty of neglect of duty, he shall be fined as provided by law; and no sentence of any court martial, cashiering any officer, shall be final, until the same be laid before the commander-in-chief, and by him approved, if the officer cashiered shall pray an appeal for such decision to him, otherwise the same shall be final.

Sec. 21. If any person shall be called on to perform a tour of duty, such person shall be acquitted; Provided, he furnish to his commanding officer an able-bodied substitute in his room, or stead; and if any such substitute should be called into actual service in his own term, previous to the expiration of the term for which he shall have enrolled as such substitute, then the person procuring such substitute, shall march in his room, or procure another substitute for the remainder of the term, or be liable to the same penalties as if called upon in his own name; any person called upon to perform a tour of duty as aforesaid, and serving by himself or substitute, or otherwise paying such fine as the court martial shall adjudge adequate to the offence, shall not be bound to perform any tour of duty until regularly called upon by rotation.

Sec. 22. In all cases of invasion or insurrection, the Police Court, or seven Justices of the Peace, deeming the emergency to require it, may at their discretion, require of the commanding officer of their county to call out the militia under his command, and any volunteer company or companies in said county in the absence of the officer who is entitled to command, to suppress or repel such insurrection or invasion, or to protect the inhabitants of their county from the danger to be apprehended; and may again require of said officer to dismiss his men when they think

the danger is over; and the commanding officer shall dismiss in like manner. The commanding officer shall forthwith order out the militia in the way he shall judge best to effect the object desired. He may make such contracts as he may deem most for the interest of the State, for all necessary ammunition and subsistence for the men while in service. The commanding officer of any regiment or Brigade as soon as he has called out the militia under the provisions of this section of this act, shall immediately send an express to the Brigadier General, or Major General of his Brigade or Division, informing him of that fact, and of any other official facts he may be in possession of, and continue to do so from time to time, and the Brigadier or Major General shall immediately apprise the Governor of all the facts. In the meantime such general officer shall pursue the most effectual means for repelling such invasion or suppressing such insurrection. Immediately on the discharge of the men, the commanding officer may, under the orders of his next superior officer, dispose of any surplus, ammunition or subsistence for the benefit of the State; or may be held subject to the orders of the Governor through the Adjutant General of the State. All expenses hereby incurred shall be made out in the form prescribed by the United States Army Regulations, and forwarded to the Adjutant General of the State, and shall be laid by the Governor before the Legislature at its next annual session. When there may be jayhawkers or outlaws committing depredations, or causing just alarm to peaceful citizens, or when the guarding of a jail may be necessary, three Justices of the Peace, or the Police Court certifying the same in writing with a statement of the facts, may call out any militia company or companies in the manner herein prescribed, and the militia so called out shall be paid out of the County Treasury. When more than one company shall be called out under this section, they shall be commanded by the Colonel of the regiment, if present, or by the next ranking officer of the regiment who may be present. The militia of the State when called into the service of the State, shall receive the same pay and rations as when called into the service of the United States. Any officer who shall refuse or neglect any call given as provided in this section of this act, to appear at such times and places as shall be appointed by his commanding officer, shall, on conviction thereof before a court-martial be cashiered, and rendered incapable of ever after holding a military appointment under the State; and further liable to pay not under twenty-five, nor more than one hundred dollars; if a

non-commissioned officer or private, he shall be liable to a fine not less than ten, nor more than twenty-five dollars.

Sec. 23. Every officer to be tried by a court-martial, shall have ten days' notice given him, of the time and place appointed for the trial, and shall be furnished with a copy of the charges exhibited against him, at least ten days before the setting of the court. In every court-martial for the trial of an officer not less than two-thirds of the number present shall agree in the sentence or judgment of said court, otherwise the person charged shall be acquitted; and when the members shall be required to give their votes on a question or decision, they shall begin with the youngest in commission; Provided, that no commissioned officer shall be allowed to resign his commission while under arrest.

Sec. 24. The captains and subalterns of each and every company, or a majority of them, shall, on the muster day next succeeding the muster of each company, at which there has been any delinquency or delinquencies, hold a court for the adjustment of fines in each company; and the commanding officer of the company shall issue his warrant, directed to any sheriff or constable in his beat, which warrant shall have the force and effect of an execution; and said constable shall proceed to collect the same, in the same manner as if said execution had issued under and by authority of any civil officer within this State; and all fines collected by virtue of the provisions contained in this section shall be paid to the Treasurer of the county.

Sec. 25. When either the Major General, Brigadier General or Brigade Major, shall be charged with malfeasance or neglect of duty in office; if a Major General, it shall be lawful for any militia officer not under the grade of a field officer, to exhibit to the Governor, for the time being, a fair statement of the charge or charges with the facts intended to establish the same, who is hereby authorized to order a general court-martial to consist of at least nine members, none to be chosen under the grade of a field officer, who, when convened shall take and subscribe the same oath prescribed for regimental courts-martial; the said courts thus sworn, shall have power to inquire into the nature of the offence; and if it shall constitute a misdemeanor in office, he shall be removed from the same; if for neglect of duty, he shall forfeit and pay a sum not to exceed one hundred dollars, at the discretion of the court-martial to be collected as in similar cases of fines; if a Brigadier General or Brigade Major shall be guilty of either of the aforesaid offences, the charge shall be submitted to the Major General, who shall issue his order to the senior colonel commanding in the Brigade in which the person charged

resides, by virtue of which order the colonel shall hold a court-martial, and proceed in the same manner as directed for the trial of a Major General; Provided, that in all cases of charges exhibited against officers, the officer ordering a court-martial shall, as soon as practicable, furnish the person charged with a copy of the charges exhibited against him; and the President of the court-martial, shall give at least ten days' notice of the time and place appointed for trial, and cause such witnesses as may be required by either party to be summoned by the adjutant of the regiment in which they reside; and every person so summoned and failing to attend, or refusing to be sworn, shall be tried by the court-martial, and if he be an officer, may be cashiered or fined at the discretion of the court-martial not exceeding fifty dollars; if a non-commissioned officer or private, he may be fined not exceeding twenty dollars, and moreover, be confined under guard, or put in jail until he will give evidence.

Sec. 26. Each Judge-Advocate, previous to entering on the duties of his appointment, shall take an oath to support the Constitution of the United States and of the State of Texas, and also that he will well and truly perform the duties of Judge-Advocate, according to law and the best of his skill and abilities; which oath shall be in writing, signed by the Judge-Advocate, and attested by the officer who administered the same; the Judge-Advocate thus sworn, shall administer the following oath to the officers, previous to their entering on the duties of any Court-Martial, viz: "You, and each of you, do solemnly swear that you will well and truly enquire into the delinquencies which may appear, on returns which may be laid before you, and will assess the fines thereon as may seem just, according to law, without favor or affection, partiality or prejudice; and that you will not disclose or discover the vote or opinion of any particular member of this court, unless required to give evidence thereof in a court of justice, so help you God." It shall be the duty of the Judge Advocate to provide a book, in which he shall record the proceedings of the Court-Martial, and all other necessary entries for the regiment or separate battalion, which are or shall be required by law, and, for his services, shall be exempt from military duty, and be allowed the sum of two dollars per day for attending regimental or battalion Courts-martial, which it shall be his duty to attend, to be paid out of the fines arising under this act. If, from any cause, a Judge-Advocate shall fail to attend a Court-Martial, as provided in this act, it shall be the duty of the officers present to appoint a Judge-Advocate for the time being; and in case of his death, resignation or removal out

of the county, or from his office, the journals and proceedings shall be kept by the Colonel or commanding officer, until a Judge-Advocate shall be appointed in his stead.

Sec. 27. All fines and forfeitures imposed by a regimental or battalion Court-Martial, shall be collected in like manner as fines and penalties are required, to be collected by company Courts-Martial, and paid into the hands of the Treasurer of the county.

Sec. 28. No officer or private, ordered or directed by this act to appear as aforesaid, shall be liable to be taken or arrested by any officer, in any civil action or process whatsoever, on the day such person is directed to appear, or in any reasonable time in going to, continuing at, or returning from the same; and every such arrest is hereby declared void, and shall subject such officer to damages for false imprisonment; and every person required by this act to attend muster, going to and returning from the same, shall be suffered to pass over any bridge, together with his horse, and shall be put over any public ferry without delay, free of charge; and if any ferryman demand pay for, delay, or refuses to put such person or persons over, or keeper of toll-bridge impede the passing of any person, he shall forfeit and pay for every such offence, the sum of ten dollars, to be recovered by warrant from a Justice of the Peace, one-half to the informer, and the other half to be paid into the county treasury, of the county to which the impeded person may belong.

Sec. 29. The Colonel of each regiment may constitute two companies thereof, Light Infantry companies, as right and left flank companies, which companies shall be armed and equipped the same as like companies in the United States service; and all corps shall use for instruction and exercise, the system of military tactics and discipline adopted in the United States Army, for troops of a similar description; and all companies shall have a right to change their uniform from time to time: Provided, such change shall not be incompatible with the military regulations of the United States Army.

Sec. 30. Every commissioned officer, volunteer or militia, shall be furnished with one copy of this act, at the expense of the State; and every officer shall, when he goes out of office, deliver to his successor in office, all books and forms furnished him by the State, or received from his predecessor in office, and also, all books and papers in his possession belonging to his division, brigade, regiment, battalion or company; and every officer who shall neglect or refuse so to do, shall be fined twenty dollars per month for every month he shall so neglect or refuse

after a demand thereof has been made by his successor, to be assessed by any Court-Martial having cognizance of the conduct of such officer, and collected and accounted for as other fines imposed upon such officer are by this act directed to be collected and accounted for.

Sec. 31. The Governor shall appoint one Adjutant-General, with the rank of Colonel of Cavalry, who shall do and perform all the duties of Adjutant General, as required of him by this act, and shall furnish all forms of returns, and keep a book, in which he shall make a fair entry of all returns by him received, which shall be subject to the inspection of the Major-General and Commander-in-Chief.

Sec. 32. The system of discipline and exercise which is and shall be ordered to be observed by the regular army of the United States, shall be observed by the militia of this State, and the commanding officers of the several militia divisions shall cause the militia within their respective commands to be disciplined and trained conformably thereto, in all things not otherwise directed by this act; and in all cases not specially provided for by this act, such provisions of law as have been or may be made by Congress, for the government and direction of the army or the militia of the United States in similar cases, shall be binding upon and be observed, and conformed to by the militia of this State; and the forms and rules of proceedings of all Courts-Martial, not provided for in this act, shall be such as are established by the rules and articles of war adopted and used in the militia service of the United States.

Sec. 33. Each new county established by this Legislature shall form a part of the same brigade and division as the county from which such new county, or the greater portion thereof, **was taken.**

Sec. 34. The Adjutant-General shall also be Quarter-Master-General, and his duty as such shall be to collect and take charge of all public property belonging to the military of this State, or for military uses, which has not been regularly issued by the State, and his general duties shall be similar to the duties of Quarter-Master-General and Commissary-General of the United States; and in addition to said duties, he shall perform the duties of Ordnance officer. He shall give a bond with two or more good and sufficient securities, to be approved of by the Governor, payable to the State of Texas, conditioned for the faithful performance of the duties of Adjutant-General, Quarter-Master-General, and such other duties as devolve upon him by the laws of this State.

Sec. 35. The Governor may appoint four Aids-de-Camp, one from each Congressional District, with the rank of Colonel of Cavalry.

Sec. 36. Volunteer Companies shall form a part of, and be attached to the regiments of the same corps within their brigades, and shall turn out and perform duty with the same upon all battalion, regimental, brigade and division drills or parades, and the commanding officer may assign them as flank companies to the battalion, regiment, brigade or division, as he may deem proper. There shall be battalion, regimental, brigade or division drill and parade once at least in every twelve months. The Commander-in-Chief may order such parades, drills or inspections as he may deem proper: Provided, however, that not more than one such shall take place in the same year in the same division.

Sec. 37. All the returns required of the militia, shall also be required of volunteer, or any military companies of the State, and to be made by the proper officers through the same channel.

Sec. 38. The sum of five hundred dollars is hereby appropriated out of any unappropriated funds in the Treasury, for the purpose of purchasing forms, books, &c., necessary to carry this act into effect.

Approved November 13, 1866.

CHAPTER CLXXXVII.

An Act requiring the Judge of the 9th Judicial District to hold a special term of the District Court for Smith County.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Judge of the 9th Judicial District, be, and he is hereby authorized and required to hold a special term of the District Court of Smith county, commencing on the first Monday in January, 1867, and may continue in session three weeks; and that all process heretofore issued, or hereafter to be issued, returnable to the next regular term of said Court, shall be returned to this extra term, and the same proceedings shall be had at said extra term, as if it were a regular term of said Court.

Sec. 2. That this Act take effect and be in force from and after its passage.

Approved November 13, 1866.

CHAPTER CLXXXVIII.

An Act providing for the custody and authentication of the records of the Confederate Courts.

Section 1. Be it enacted by the Legislature of the State of Texas, That the District Courts of the United States, within the State of Texas, be, and are hereby authorized to take charge of and preserve the records and papers of the late Confederate States District Courts, held within the limits of this State, and to make transcripts and copies of the same, under the same rules and regulations that are in force as to the records and papers of the said United States District Courts, and said records and copies, or transcripts of the same, may be received in evidence in all the Courts of this State, subject to the general laws of evidence.

Sec. 2. That this Act take effect and be in force from and after its passage.

Approved November 13, 1866.

CHAPTER CLXXXIX.

An Act to create the office of State Engineer and Superintendent of Public Works.

Section 1. Be it enacted by the Legislature of the State of Texas, That the office of State Engineer and Superintendent of Public Works be, and the same is hereby created, with a salary of two thousand dollars per annum.

Sec. 2. That it shall be the duty of said Engineer and Superintendent of Public Works to exercise a general supervision over all Railroads and other works of internal improvement in the State; to ascertain if they have been constructed in accordance with the provisions of their respective charters, and whether they in all things comply with the general Railroad Law.

Sec. 3. That the said engineer shall, at least twice in each year, make a tour of inspection over the various Railroads in the State, with a view to determine their safety as to life and limb, and their capacity for the transportation of freight, and report respecting the same to the Governor of the State.

Sec. 4. The said Engineer shall, in no way, be interested in any contract whatever, for purposes of internal improvement.

and shall also take and subscribe the following oath, before any officer qualified to administer the same: "I do solemnly swear, or affirm, that I will truly perform all the duties required of me as State Engineer and Superintendant."

Sec. 5. The State Engineer shall have power to regulate the rate of speed on the various Roads, and when Railroads fail to make connection, he shall have the power to establish and regulate such connection, and shall, in addition to the above service, perform such other duties relating to his office as the Governor may prescribe.

Sec. 6. That the State Engineer and Superintendant of Public Works shall be appointed by the Governor, whenever the State may need his services, and to be continued in office, at the pleasure of the Governor, for such length of time as his services may be required; for which he shall be paid a proportionate part of the salary prescribed, during such service, and he shall be carried over all Roads in the State free of charge, when on service.

Sec. 7. That when any Railroad Company shall refuse to make connection with other Roads, or to draw loaded cars over the road, according to the orders of the Engineer and Superintendant, then such Engineer shall take possession of such Road, locomotives and cars, and shall run the same until the Company owning such Road shall obey his orders; and all of the proceeds, after paying the expenses, shall be paid into the State Treasury, and credited to the debt due to the State by such Road; and the State shall not be liable for any losses during such time.

Sec. 8. In every case in which the State Engineer shall be required to inspect and report upon the construction and completion of any portion (of) any Public Works, Railroads, Canals, Slack-water Navigation, or other works of internal improvements, of whatever character, the Company, Board of Directors, or other person requiring the services of said Engineer, shall pay into the State Treasury an amount to be fixed by the Governor, in proportion to the character of the services to be performed by the Engineer; in no case not less than fifty dollars, nor more than five hundred dollars shall be required to be paid by any person, Company or Corporation, for the service of said Engineer, at any one time.

Sec. 9. That this act take effect and be in force from and after its passage.

Approved November 13th, 1866.

CHAPTER CXC.

An Act to assess and collect the Direct Tax due the United States Government for the year 1861, under the provisions of "An Act for the collection of Direct Taxes in insurrection Districts within the United States, and for other purposes," approved June 7th, 1862, and to make provisions for the payment thereof to the United States Government.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Governor is hereby authorized to have assessed and collected upon all the real property within this State, except such as may have already been assessed and the tax thereon collected by the officers of the United States Government, a tax of twenty-eight cents on each one hundred dollars of value of such property for the year 1861, to enable this State to pay its proportion of said tax, and for which purpose he is hereby authorized to take such steps as may be necessary to accomplish that purpose within the time specified in said Act.

Sec. 2. That in the event said tax shall be insufficient to meet the demands of the United States Government on the first day of January, 1868, upon this State, the Governor is hereby authorized, if practicable, to make up any deficiency which may be found to exist on that date, from any monies belonging to the State Revenue account, not otherwise appropriated, and shall continue such assessment and collection until the same is completed.

Sec. 3. That said tax shall be assessed and collected under the provisions of an Act for the assessment and collection of taxes passed at the present session of the Legislature, as far as the same may be applicable.

Sec. 4. That said tax shall be levied on the value of property as rendered for that year, and where such property was not rendered for that year, the levy shall be made upon the specie value of such property in the county where the same is situated, on the first day of January, 1861, to be established by the party rendering under this Act and the Assessor and Collector; but if not rendered in, then the value is to be established by the Board of Assessors, as provided in the Act for the assessment and collection of taxes, passed at the present session of the Legislature; provided, that Assessors and Collectors, assessing and collecting the same herein provided for, shall be allowed a sum equal to one-half of the amount authorized by law, for the assessing and collecting of the State tax.

Sec. 5. That in those cases where said tax has already been paid, credit therefor shall be given, and no land shall be sold under the provisions of this Act in consequence of any informality in the payment of taxes heretofore made.

Sec. 6. That this act take effect and be in force from and after its passage.

Approved November 13th, 1866.

GENERAL JOINT RESOLUTIONS.

NUMBER 1.

Joint Resolution, providing for the printing of the Journals and Laws of the present session of the Legislature.

Section 1. Resolved by the Legislature of the State of Texas, That the Committee on Public Printing of the Senate and House of Representatives, acting jointly, be, and they are hereby empowered and directed to contract for the printing of the Journals and laws, and all other necessary printing for the present session of the Legislature at such time, and on such terms and conditions, as they may deem expedient and proper; Provided, that nothing herein contained, shall repeal, or in anywise impair the effect of an Act entitled an act to regulate the public printing, passed November 22, 1859, except, so far as may be necessary to carry out the object of this resolution.

Sec. 2. That this resolution take effect and be in force from and after its passage.

Approved September 24, 1866.

NUMBER 2.

Joint Resolution, providing for the payment of Clerk to Joint Committee on Land Office.

Section 1. Be it resolved by the Legislature of the State of Texas, That B. H. Davis, who was appointed Clerk of the Joint Select Committee, to examine the books of the General Land Office, with reference to alleged defalcations in that office, be and he is hereby allowed eight dollars in currency per day for his services, to be paid out of the contingent fund of the Eleventh Legislature. And the certificate of the chairman of said com-

mittee, shall be a sufficient voucher to the Comptroller to draw his warrant upon the Treasurer for the amount which may be due under this resolution; and that this resolution be in force from its passage.

Approved September 26, 1866.

NUMBER 3.

Joint Resolution, for the relief of Starr and other counties.

Whereas, during the late war all books, laws, &c., belonging to the counties of Starr, Houston, Jefferson, Cameron, Orange, Zapata, Madison and Hidalgo, were lost and destroyed; Therefore,

Be it resolved by the Legislature of the State of Texas, That the Secretary of State be authorized and directed to furnish said counties with the usual supply of laws, books, &c., for the use of the officers of said counties; Provided, he has the same on hand.

Approved October 1, 1866.

NUMBER 4.

Joint Resolution in relation to removal of United States Troops.

Whereas, By the result of the late war between the Confederate States and the United States, the President of the United States thought proper, in order to aid the civil authorities in the maintenance of order and good conduct within the State of Texas, to quarter within said State, United States troops.

And whereas, many months have elapsed since the cessation of hostilities, and the publication and almost unanimous acceptance of the proclamation of the President of the United States, granting amnesty and pardon to the people of said State, restoring them to citizenship in said Government, entitling them to all the benefits resulting therefrom; and whereas, the State has been restored to civil government, and the civil authorities are, and will be able to maintain order and good conduct within said

State, by and with the support, willingly given, of the whole people of said State, without the aid of the military.

And whereas, for many reasons not necessary here to enumerate, the troops quartered in said State are an injury to the advancement of the much needed work of restoration of civil government.

And whereas further, the frontier of the State of Texas, on the North-west, is without that military aid and protection which is necessary, and which it must have, or the citizens thereof be compelled to abandon their much loved homes and return into the interior of the State, thereby giving up to the savage Indian all that portion of our State, and at the same time, thereby bringing with them the frontier, that is, subjecting the people of the interior, who are now free from the ravages of the heartless savage, to all the inconveniences of frontier life.

And whereas further, if the troops now uselessly quartered in the interior of the State were removed to the frontier, they would be able to give the necessary protection to the people thereof, as well as the people of the whole State: Now, therefore,

Be it resolved by the Legislature of the State of Texas, That the people of the State have in good faith returned to their allegiance to the Government of the United States, and having a full determination to stand to, abide by, and comply with the Constitution and laws made in pursuance thereof, the Governor of the State be requested to use all proper means to assure the President of the United States thereof; and that he be further requested to use all legitimate means to obtain the removal of the United States troops now quartered in Texas, and that they, or others, in sufficient numbers to give protection, be stationed on the frontier of the State as early as practicable.

Approved October 2, 1866.

NUMBER 5.

Joint Resolution concerning the removal of the remains of General Albert Sydney Johnson from the State of Louisiana, and their interment in the State Cemetery.

Whereas, The remains of General Albert Sydney Johnson, who fell at Shiloh, were stopped in New Orleans on their way to Texas, by the capture of that city and have never been removed

thence; and whereas, it was the desire of the deceased that he should be buried in the State of Texas; and whereas, it is elieved to be the wish of the people of this State that the dying request of one whom Texas was proud to acknowledge as one of the most illustrious of her citizens, should be complied with, therefore,

Be it resolved by the Legislature of the State of Texas, That the sum of two thousand dollars, or so much thereof as may be necessary, be appropriated out of any money in the Treasury not otherwise appropriated by law, to defray the expenses of the removal and burial of the remains of General Albert Sydney Johnson, in the State Cemetery, in the city of Austin, and that a joint committee of the Legislature, consisting of one from the Senate and two from the House, be appointed, who shall proceed, in vacation, to the city of New Orleans, and carry into effect these resolutions in an appropriate manner.

Approved October 3d, 1866.

NUMBER 6.

Joint Resolution requiring the Governor to give publicity to the Amendments to the Constitution.

Whereas, it appears by the official returns, in the office of the Secretary of State, that at the election held on the fourth Monday in June of the present year, as provided for by an Ordinance of the Convention of Texas, there were cast twenty-eight thousand one hundred and nineteen (28,119,) votes "For the Amendments" to the Constitution, and twenty-three thousand four hundred (23,400) votes "Against the Amendments," the qualified voters of the State have thus ratified and adopted the Amendments to the Constitution of the State proposed by the Convention; but no provision having been made for making known to the people the result of the late vote on the Amendments to the Constitution; Therefore,

Sec. 1. Be it resolved by the Legislature of the State of Texas, That His Excellency, the Governor, be authorized and requested to make it known, by his Proclamation, that the Amendments to the Constitution proposed by the late Convention, have been ratified and adopted, and have become a portion of the law of the State.

Approved October 5, 1866.

NUMBER 7.

Joint Resolution, providing for the payment of Joint Select Committee appointed to visit Brenham.

Resolved by the Legislature of the State of Texas, That the sum of two hundred and ninety dollars (\$290) in currency, be and the same is hereby appropriated out of any money in the Treasury, not otherwise appropriated, to pay the expenses of the Joint Select Committee appointed to visit Brenham, and to investigate the recent burning of a portion of said town; and the Comptroller is hereby directed to draw his warrant on the Treasurer, in favor of Hon. George E. Burney, Chairman of said committee for said sum; and this resolution to be in force from its passage.

Approved October 9, 1866.

NUMBER 8.

Joint Resolution, instructing our Senators, and requesting our Representatives in Congress to secure an additional branch of the United States District Court in Dallas.

Resolved by the Legislature of the State of Texas, That our Senators in Congress are hereby instructed, and our Representatives are requested to endeavor to secure the establishment of an additional branch of the United States District Court, which shall be located at the town of Dallas, in Dallas county of this State; and that the Federal Judicial District herein sought to be established shall comprise, together with Northern Texas, the Southern half of the adjacent Indian Territory inhabited by Chickasaws and Choctaws.

Approved October 11, 1866.

NUMBER 9.

Joint Resolution, to authorize the distribution of certain Laws.

Be it Resolved by the Legislature of the State of Texas,
1st. That the Secretary of State be authorized to distribute to

counties that are destitute of the same, two copies of Oldham & White's Digest, and one copy of the Laws of the (8th) eighth, (9th) ninth and (10th) tenth Legislature, under such regulations as he may adopt. But he shall take care to retain in his office a sufficient quantity of the same to supply such demands as will be made under existing laws, and also to supply all demands that may be made for other purposes until the publication, by the authority of the State, of a new Digest, or revision of the laws; Provided, that the distribution of laws thus made, shall only be to supply deficiencies, and shall be at the expense of the counties applying for them.

2d. This resolution shall take effect and be in force from and after its passage.

Approved October 11, 1866.

NUMBER 10.

Joint Resolution, relative to the Philadelphia Convention.

Resolved by the Legislature of the State of Texas, That the general principles and objects of the National Union Convention, which assembled August 14th, of the present year, at Philadelphia, as set forth in their declaration of principles, meet our approbation and express the sentiments of the people of Texas towards the Federal Union, and on the relations of the States composing the same.

Approved October 13, 1866.

NUMBER 11.

Joint Resolution, inviting Labor and Capital into the State.

Whereas, The issue of the late unhappy war has changed the whole domestic economy of the South. Formerly the principal objects in view, and to which the great energy and capital of the country were mainly directed, were the purchase of negroes and the culture of cotton. To these ends every thing else was subordinate—the manufacturing and railroad interest, the devel-

opment of the great natural resources of the country, and the encouragement of individual enterprise and industry, and which observation and experience show are the true basis of national wealth and prosperity, were not sufficiently fostered.

And Whereas, With the termination of the war, we desire to see terminated the jealousies and animosities between the different sections of our great country, and to see restored individual and national good feeling and good will, the prosperity of our section adding to the general prosperity of the whole.

And Whereas, Persons in other portions of the country have the skilled labor and the capital, and we have the lands, minerals and natural resources, by combining which it can be made greatly to our mutual benefit, and to the good of the whole nation. Therefore,

Be it resolved by the Legislature of the State of Texas, 1st. That in view of these facts, and to accomplish these ends, we, in the name of the people of Texas, most cordially invite skilled labor and capital from the world, and particularly from all parts of the United States, and pledge the hearty co-operation and support of the people of the State.

2d. Resolved, That his Excellency the Governor, be requested to transmit copies of this Joint Resolution to the President of the United States, and to the Governors of the several States of the Union.

Approved October 22, 1866.

NUMBER 12.

Joint Resolution, in relation to the Geological Survey.

Sec. 1. Be it resolved by the Legislature of the State of Texas, That section 1st of the Joint Resolution suspending the Geological Survey, approved April 8th, 1861. be, and the same is hereby repealed.

Sec. 2. That it is expedient that a State Geologist be appointed by the Governor, as provided for in section 1 of the Act for Geological and Agricultural Survey, approved February 10, 1858. with the duties, obligations and requirements as set forth and provided for in the remaining sections of said Act, approved February 10, 1858.

Sec. 3. That these resolutions take effect from their passage.

Approved October 30, 1866.

NUMBER 13.

Joint Resolution, refusing to ratify the Constitutional Amendment.

The Honorable the Secretary of State of the United States, in a communication, dated June 16th, 1866, to His Excellency the Governor of the State of Texas, having submitted to the Legislature of the State of Texas the following Article, proposed by a Joint Resolution of the Congress of the United States, as an amendment to the Constitution of the United States, to wit:

Article XIV.

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States, and of the States wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of its laws.

Sec. 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of Electors for President and Vice-President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Sec. 3. No person shall be a Senator or Representative in Congress, or Elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as any Executive or Judicial officer of any State to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same,

or given aid and comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each House, remove such disability.

Sec. 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States, nor any State, shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims, shall be held illegal and void.

Sec. 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this Article.

Be it resolved, That the Legislature of the State of Texas do not ratify the amendment to the Constitution of the United States proposed as Article XIV, in the Joint Resolution of the Congress of the United States.

Approved November 1, 1866.

NUMBER 14.

Joint Resolution, to accept the provisions of the act of Congress of the United States, approved July 2d, 1862, entitled An Act to donate public land to the several States and Territories which may provide Colleges for the benefit of Agriculture and the Mechanic Arts.

Be it resolved by the Legislature of the State of Texas, That the State of Texas does hereby accept the provisions of the above recited act, and the laws amendatory thereto, with the duties and conditions imposed by and embraced in said Act.

And the Governor is hereby authorized to receive the land scrip provided to be issued by said act, and to sell the same; and he may do all further acts which may be necessary to secure the interest of the State of Texas in respect to said laws, or any other laws, which may be passed by Congress upon the subject.

Approved November 1, 1866.

NUMBER 15.

Joint Resolution, making an appropriation to repair the Alamo Monument.

Be it resolved by the Legislature of the State of Texas, That the Secretary of State be, and he is hereby directed, to have the Alamo Monument, (in the front hall of the capitol,) repaired, and a substantial iron railing placed around the same, for its protection, and that the sum of three hundred dollars, or so much thereof as may be necessary, be, and is hereby appropriated, out of any money in the Treasury, not otherwise appropriated, for the payment of said repairs and railing; that said Secretary be authorized to use so much of the iron and copper, the property of the State, as may be necessary, in building the iron railing, herein contemplated.

Approved November 12, 1866.

NUMBER 16.

Joint Resolution, in relation to Public Property.

Be it resolved by the Legislature of the State of Texas, That the Governor is authorized to collect all personal property belonging to the State; and after being collected, to sell all of such property as it may, in his judgment, be for the interest of the State, and to preserve the remainder.

He is also authorized to take possession of the improved real estate upon which the State erected improvements, in which the State may have an interest, and to manage the same to the best interest of the State. To effect these objects, he is authorized to bring suits in the name of the State for such property or any rights growing out of the same, and to appoint all agents and attorneys that may be necessary, paying them out of the property recovered, a reasonable compensation for their services in respect to the same; all of which he shall cause to be reported from time to time to the Legislature.

The monies arising from any sales, suit, or suits, contemplated by this resolution, shall be deposited in the Treasury of the State, and placed to the general revenue account.

And this Joint Resolution take effect from its passage.

Approved November 12, 1866.

NUMBER 17.

Joint Resolution in relation to State Cotton.

1. Be it Resolved by the Legislature of the State of Texas, That his Excellency the Governor be, and he is hereby authorized and requested to communicate with the proper officers of the Federal Government, and to take such other steps as he may deem necessary to secure to the State, certain quantities of cotton, or the value thereof, which cotton was seized in the city of Galveston on the 10th day of January, 1866, by G. W. Dent, claiming to act on behalf of the Federal authorities, to wit: one hundred and five bales, or thereabouts; although this cotton was then the property of Texas, and was legally and properly in the possession of William B. Coffee, a duly appointed Agent of the State of Texas.

2. Be it Resolved, That his Excellency the Governor is hereby authorized to appoint an Agent to proceed to Washington City, D. C., to investigate and prosecute the claim of the State to the cotton seized as above, or to its value in money, and to take such other steps in the premises, as the Governor, in his judgment, may deem proper to secure the rights of the State.

3. Be it Resolved, That the Governor is hereby authorized and empowered to carry into effect the contract made between the late Provisional Governor, A. J. Hamilton and William B. Coffee, so far as it was agreed and provided that William B. Coffee should be entitled to, and receive, one-fourth of certain quantities of cotton which he should secure to the use of the State, provided, that in the opinion of the Governor, it shall be advisable for the interests of the State so to do, in order to procure the services of William B. Coffee.

Approved November 13, 1866.

NUMBER 18.

Joint Resolution in relation to the books and papers of the State Military Board.

Section 1. Be it Resolved by the Legislature of the State of Texas, That the Governor is hereby authorized to employ a competent accountant, to examine the books and papers of the old

and new Military Boards, under the supervision and direction of the Attorney General of the State.

Sec. 2. That it shall be the duty of the Attorney General to institute proceedings against all persons who may be indebted to the State, by reason of any transactions with said Boards.

Sec. 3. That the sum of one thousand dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the Treasury, not otherwise appropriated, for the payment of the services of the said accountant.

Sec. 4. This Resolution to take effect from and after its passage.

Approved November 13, 1866.

NUMBER 19.

Joint Resolution in relation to the Superintendent of Public Instruction.

Section 1. Be it resolved by the Legislature of the State of Texas, That whenever the Superintendent of Public Instruction shall be appointed, in the manner provided in Article X, section 10, of the Constitution, his salary, as therein provided, shall be paid out of any monies in the School Fund, not otherwise appropriated.

Sec. 2. The Treasurer is hereby authorized and required to pay the amount of the salary of the Superintendent of Public Instruction, as prescribed in the Constitution, out of any monies belonging to the School Fund, not otherwise appropriated.

Approved November 13th, 1866.

NUMBER 20.

Joint Resolution authorizing the Governor to appoint a Sexton and Keeper of the State Cemetery, and prescribe his duty.

Section 1. Be it resolved by the Legislature of the State of Texas, That the Governor be, and he is hereby authorized to appoint a suitable person as Sexton and Keeper of the State

Cemetery, who shall receive a salary of one hundred dollars, to be paid quarterly, upon the warrant of the Comptroller.

Sec. 2. That it shall be the duty of the Sexton and Keeper to superintend all interments in said Cemetery, to take care of and protect said grounds and the timber thereon, the graves and their enclosures from waste and depredation; and that these resolutions be in force from their passage.

Approved November 13th, 1866.

NUMBER 21.

Joint Resolution, in relation to the location of the State University.

Whereas, by a recent act of the Eleventh Legislature of the State of Texas, twenty-five leagues of land were reserved for the establishment and endowment of another University, contradistinguished from the "University of the State of Texas;" And Whereas, the increasing population of the State, its vast extent, and the absence of the necessary facilities of travel, render it important that this University be located—Therefore,

Be it resolved by the Legislature of the State of Texas, 1st, That A. M. Perkins, of Jasper county, J. H. Starr, of Nacogdoches county, James Grayham, of Lamar county, Mont. Hall, of Harrison county, I. L. Camp, of Upshur county, D. W. Jones, of Titus county, W. B. Dashiell, of Kaufman county, W. K. Marshall, of Rusk county, J. K. Bumpass, of Collin county, Dr. Cooper, of Panola county, Wm. Moore, of Bowie county, M. H. Bonner, of Cherokee county, J. M. Perry, of Anderson county, and J. C. Hardin, of Smith county, be and the same are hereby created a Board of Administrators of said University.

2d. That the Board so appointed shall hold office for a period of four years, and shall, as soon as practicable, select a suitable site for the location of the University, in a different section of the State from the situation of the "University of the State of Texas."

3d. That the sum of twenty-five hundred dollars, or as much thereof as may be necessary, be and the same is hereby appropriated from the University funds, and set apart for defraying the necessary expenses of said board, while in the discharge of their official duties, five dollars per day being the maximum allowed each member while on duty.

4th. This University, so located, shall be known and designated as the "East Texas University."

Approved November 13, 1866.

NUMBER 22.

- . Joint Resolution, in relation to Contingent Expenses of the Eleventh Legislature.

Section 1. Be it resolved by the Legislature of the State of Texas, That the Comptroller shall prepare, for publication, statements of the contingent expenses of the two Houses of the Eleventh Legislature, which statement shall be published as an appendix to the Journals of the two Houses; separate statements shall be prepared and published of each House.

Sec. 2. That this resolution shall take effect from its passage.

Approved November 13, 1866.

NUMBER 23.

Joint Resolution.

Section 1. Be it resolved by the Legislature of the State of Texas, That His Excellency the Governor be and he is hereby requested to appoint eight administrators, by and with the consent of the Senate, who, with the Governor and Chief Justice of the Supreme Court, shall constitute a Board of Administrators of the University of Texas, as provided for in Section 3d of the Act of February 11th, 1858.

Sec. 2. That the administrators of the University shall, at as early a time as practicable, after their appointment, select a suitable site for the University, and take such other steps as by law they may be empowered to do, to establish and carry into effect the provisions of the act providing for the establishment of the University of the State of Texas.

Sec. 3. That the sum of twenty-five hundred dollars, or so much thereof as may be necessary, be and the same is hereby appropriated, to defray the expenses of the administrators in locating said University, the same to be expended under the direction of the Governor, and to be taken from the University fund.

Approved November 13, 1866.

STATE DEPARTMENT, }
Austin, Texas, 18th Dec., 1866 }

I certify that the Session of the Eleventh Legislature of the State of Texas begun its session, at the City of Austin, on Monday, the 6th day of August, A. D., 1866, and adjourned on Monday, 13th day of November, of the same year.

I further certify, that the Acts and Joint Resolutions, passed at said session, contained in this volume, are true copies, taken from the original Rolls deposited in this Department, with which they have been carefully compared.

Given under my hand and official seal, the day and date above
[L. s.] written.

JNO. A. GREEN,
Secretary of State.

ERRATA.

- Page 143, 5th line, bottom, strike out "s" in "summons."
" 144, 12th line, bottom, strike out "s" in "summons."
" 152, 11th line, top, strike out "i" and insert "e" in "discription."

MISTAKES IN THE ORIGINAL.

- Page 3, last line, "office of the."
" 22, 2nd line, top, the word "and" before "all."
" 27, 18th line, top, "the" omitted before "law."
" 36, 12th line, bottom, the word "such" before "returns."
" 101, 19th line, bottom, "es" in process."
" 101, 17th line, bottom, "es" in "process."
" 101, 14th line, bottom, "es" in process."
" 121, 23rd line, top, the word "be" instead of "is."
" 136, 10th and 11th lines, bottom.
" 152, 17th line, bottom, "the" instead of "a."
" 160, 12th line, top, "destination" instead of "designation."
" 185, 23rd line, top, "3rd" for "31."

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SPECIAL LAWS

OF

THE STATE OF TEXAS

PASSED BY THE

ELEVENTH LEGISLATURE.

BY AUTHORITY

AUSTIN
1866

SPECIAL LAWS.

CHAPTER I.

An Act to incorporate the Galveston Female Institute.

Section 1 Be it enacted by the Legislature of the State of Texas, That George Ball, Jacob L. Briggs, J. M. Brown, W. P. Ballinger, James P. Cole, John P. Davie, E. P. Hunt, Allen Lewis, G. A. Jones, T. Mather, M. McMorries, F. H. Merriman, T. H. McMahan, E. B. Nichols, W. Richardson, H. Stuart, Jas. Sorley, W. R. Smith, Stephen Southwick, John S. Sydnor, N. B. Yard, A. C. Crawford, P. C. Tucker, R. D. Johnson, H. Rosenberg, N. N. John, John B. Root, A. P. Lufkin, John S. Sellers, John W. Harris, J. C. Massie, and their associates and successors, are hereby created and declared to be a body corporate and politic, by the name and style of "The Trustees of the Galveston Female Institute," and that by said name and style they shall have succession, sue and be sued, plead and be impleaded, in all courts whatever, in like manner, and as fully as natural persons, and by said corporate name and style, shall be capable in law of contracting, and being contracted with, and shall have the power of acquiring, by purchase, donation or otherwise, property, both real and personal, and mixed, so long as they confine their operations to the promotion of Education by means of said Institute, which shall be located in the county of Galveston.

Sec. 2. The said body corporate and politic, in order to procure the funds necessary for the purchase of grounds, and the erection of suitable buildings, may divide its capital stock into one thousand shares, each of which shall be valued at one hundred dollars, and the same shall be paid in the following manner, i. e.: Ten dollars on each share at the time of subscription, and the balance at such times as the said "Trustees" may direct. That said shares shall be deemed and held as personal property, and if any shareholder shall neglect and refuse to make the payments, as required by said "Trustees," he shall be liable for the balance due by him, as shareholder, to the said body corporate, as the same becomes due, and may be sued for the same in the District Court of Galveston county.

Sec. 3. That said "Trustees," and their successors, shall have full power to make such rules, regulations and by-laws as they may deem necessary for their own government and the management of said Institute; may adopt such course of study as they may deem best for the pupils of said Institute, and may employ Professors and Teachers, and other employees, and discharge the same.

Sec. 4. That there shall be regular meetings of the shareholders at the annual commencement of the academic year, to be fixed by the "Trustees," and any number of said shareholders, representing one-half of said shares, shall be a quorum to do business, and in all elections at said meetings each shareholder shall have the right to vote in person, or by proxy, one vote for each share he owns; that said shareholders shall have the power, by election, to fill any vacancies in the "Trusteeship," or by a majority vote may remove a Trustee, and at their said annual meeting shall elect a Secretary and Treasurer, who shall hold office one year and until their successors are qualified. That said Trustees, by a majority vote, may elect a President from their own number, and remove him whenever deemed necessary. Said President shall preside at all meetings of said "Trustees," a majority of whom shall constitute a quorum to transact business, and said President and Trustees shall have power to confer degrees upon graduates of said Institute.

Sec. 5. That said Institute shall be open to pupils of all religious denominations, but shall never become sectarian in its character, nor shall the peculiar doctrines of any religious denomination be taught therein.

Sec. 6. That within sixty days from the passage of this Act, said Trustees may open books of subscription, and when one-fifth of said capital stock shall be subscribed, may regularly organize for the transaction of all business contemplated by this Act, and may appoint a Treasurer and Secretary, who shall hold office until their successors are elected and qualified according to this Act and the by-laws of said corporation.

Sec. 7. That this Act be in force from and after its passage.

Approved August 30, 1866.

CHAPTER II.

An Act to incorporate the Hebrew Benevolent Society of Galveston.

Whereas, divers Israelites, of the city of Galveston, are desirous of being enabled, in a corporate capacity, to afford relief to the indigent, sick and destitute; therefore,

Section 1. Be it enacted by the Legislature of the State of Texas, That J. W. Frank, Leon Blum, J. Rosenfield, L. Block, J. C. Levy, J. Lieberman, J. Fedder, together with such persons as they may elect as their associates and their successors, be and are hereby constituted a body corporate, under the name and style of "The Hebrew Benevolent Society of Galveston," and by that name and style shall have succession, subject to the limits fixed by this Act, and be capable, in law, of suing and being sued, of defending and being defended, of pleading and being impleaded, of having a common seal, and the same to make, break or alter at pleasure; to acquire, have and hold estate, real personal and mixed, and the same to buy, exchange sell, mortgage, transfer, pledge or otherwise incumber or alienate, as said Association may deem expedient, and said Association shall be capable, in law, of receiving, by donation, bequest, demise, or in any manner or form, from any person or persons or body corporate, in or out of this State; Provided, That the value of real estate, held by said Association, at any one time, shall not exceed in value the sum of fifty thousand dollars.

Sec. 2. That said Association shall make a Constitution and By-Laws for its government, and shall have the power to alter or amend the same at pleasure.

Sec. 3. That no individual who may be a member of said Association shall receive any compensation or donation from said Association for his personal services rendered to the same, and the business of said Association shall be confined to the objects stated in the preamble of this Act.

Sec. 4. That this Act of Incorporation shall be in full force from and after the date of its approval by the Governor; and that unless it be renewed or extended, it shall expire at the end of twenty-five years from and after its date; and that in case of the expiration thereof, all the funds and property of said Association shall vest in, and belong to, the Corporation of the City of Galveston, and shall be applied to, and constitute a part of the Hospital Fund of said city.

Approved August 31, 1866.

CHAPTER III.

An Act transferring the settlement of the estate of Allen Urquhart, deceased, from the County Court of Titus County to the County Court of Marion County.

Be it enacted by the Legislature of the State of Texas, That the business and settlement of the estate of Allen Urquhart, deceased, late of said County of Titus, be transferred from the County Court of Titus, to the County Court of Marion County, Texas, which court shall take jurisdiction of the same, and that the clerk of the County Court of Titus County, keep copies of all papers filed in said estate in his office, and that he furnish the executor of said estate, upon demand, with the original papers of said estate, on file, and copies of all entries of record in said court, upon the payment of his fees; and that this act take effect from and after its passage.

Approved September, 3, 1866.

CHAPTER IV.

An Act to Incorporate the Houston Gas Light Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That William C. Browne, William R. Baker, Henry R. Allen, Jonas C. Baldwin, Abraham Groesbeck, J. W. Henderson, W. P. Hamblin, T. W. House, N. P. Turner and E. H. Cushing, and all and every person or persons, who may become subscribers according to the mode herein presented, and their successors, are hereby created a body politic and corporate in fact, by the name of the "Houston Gas Light Company." and by that name they and their successors may have perpetual succession, and shall in law be capable of suing and being sued; and may have a common seal, with power to alter the same, and by the said name the said corporation shall have power and authority to manufacture, make and sell gas, to be made of bituminous coal, or other materials, for the purpose of lighting the streets, buildings, and other places, situated in the city of Houston; and to enter into and execute contracts, agreements or covenants in relation to the objects of this corporation, and of enforcing the same, and be capable of purchasing, taking and holding any estate, real or personal, necessary to give effect to the specified purposes of this corporation, for the accomodation of their business and concerns, or which it may be necessary for the said corporation to acquire and hold, for the purpose of securing debts which have become

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due them in the regular business of the said corporation, provided that the said real estate shall not exceed what may be necessary for the purpose mentioned; and no private lands shall be in any way injured or defaced, without permission being first obtained in writing from the owner or owners thereof.

Sec. 2. The said corporation shall be empowered to lay down their gas pipes, and to erect gas-posts, burners, and reflectors, in the streets, alleys, lanes, avenues, or public grounds of the said city of Houston, and to do all things necessary to light the said city, and the dwellings, stores, and other places situated therein; Provided, That the public travel of the said city shall, at no time, be affected or impeded by the laying of the said pipes, or the erection of the posts; and the streets, side and cross walks, public grounds, lanes and avenues, shall not be injured, but all be left in as good and perfect condition as before the laying of the said pipes or the erection of the said posts.

Sec. 3. William C. Browne, William R. Baker, Henry R. Allen, Jonas C. Baldwin, J. W. Henderson, W. P. Hamblin, T. W. House, N. P. Turner, E. H. Cushing and A. Groesbeck, are hereby appointed commissioners for receiving subscriptions for the sum of two hundred thousand dollars, to constitute the capital stock of the said corporation, in shares of one hundred dollars each; and the said commissioners, or a majority of them, shall open books for the purpose, at such time, in the city of Houston, and in such other place or places, within this State, as they shall designate by a public advertisement, to be previously inserted for at least three weeks, in a public newspaper, printed in the said city of Houston, and shall continue the same open until the said capital stock shall be subscribed, or, at their discretion, close the same, after they shall have remained open five days, and again open the same at some other time or times, place or places, giving public notice thereof aforesaid; and the sum of ten per cent. upon each share so subscribed shall be paid in cash by each subscriber, at the time of subscription, to the said commissioners acting, and each subscriber shall be entitled to receive a certificate for such stock from the said commissioners; and the amount so received by the said commissioners, at the time of subscription, shall, by them, be paid over to the directors of the said company, to be appointed as hereinafter directed; and all the powers of the said commissioners shall cease and determine on the appointment of such board of directors; and the said board, when so appointed, shall have power, and they are hereby authorized, from time to time, under the foregoing regulations, to open books for the further subscription of stock, until the

whole stock subscribed amounts to the sum of two hundred thousand dollars; and are also authorized to call upon the said subscribers for the payment of further installments, in such sum and sums, at such time or times, and under such forfeiture or forfeitures, as they may deem expedient, until the whole amount of said shares so subscribed for shall have been fully paid.

Sec. 4. The management of the concerns of the said company shall be vested in five directors, to be selected from the shareholders; and the said directors shall choose a President from among themselves, and as soon as may be, after fifty thousand dollars shall have been subscribed for, the before named commissioners, or a majority of them, shall convene the said shareholders, by public notice, to be given as aforesaid, and at such time and place as they shall designate in said notice, to choose the first board of directors, who shall hold their offices for one year from the time of their election; and annually thereafter an election for directors shall be held, at such time and place as a majority of the directors shall appoint, and public notice shall be given of the time and place of holding such election for ten days, in a newspaper published in the city of Houston; and any vacancy in the said board of directors may be supplied by appointment, to be made by the board of directors, until the next annual election; and all elections shall be by ballot of the shareholders, or their proxies, allowing one vote for each share, which they shall have held in his, her or their name or names, at least fourteen days before the time of voting.

Sec. 5. If, at any time, an election is not held on the day appointed for the election of directors, the corporation shall not, for that cause, be dissolved; but an election shall be held thereafter, in such manner as may be directed by the by-laws, at any time within one year.

Sec. 6. The directors, for the time being, shall form a board, and they, or a majority of them, shall be a quorum for transacting business, and have power to make by-laws, rules and regulations, not repugnant to the Constitution or laws of the United States, or of this State, or the provisions of this Act, for the government of the said corporation, the management and disposition of the stock and the property thereof, and the duty of the officers, clerks, and persons employed therein, the election of directors, and all other matters appertaining to their business or concerns; and may appoint as many officers, clerks, and servants, and with such salaries and allowances as shall to them seem necessary; and the said board of directors shall have power to make and declare such dividend and dividends among the

shareholders, from time to time, as the nett profits and earnings of the company may enable them to do.

Sec. 7. The stock of the said company shall be considered personal property, and shall be transferable according to the by-laws and regulations of the corporation; and the stock and transfer books shall be open at all times to the inspection of the shareholders.

Sec. 8. If any person, or persons, shall willfully do, or cause to be done, any act, or acts whatever, thereby to injure any conduit, pipe, cock, machine or structure whatsoever, or any thing appertaining to the works of the said corporation, or whereby the same may be stopped, obstructed or injured, the person or persons, so offending, shall be considered guilty of a misdemeanor, and being thereof convicted, shall be punished by fine, not exceeding three hundred dollars or imprisonment at hard labor in the penitentiary, not exceeding two years, or both, at the discretion of the jury; Provided, such criminal prosecution shall not, in any wise, impair the right of action for damages by a civil suit hereby authorized to be brought for any such injury as aforesaid, by and in the name of said corporation, in any Court of this State having cognizance of the same.

Sec. 9. The said company shall cause to be kept, at their office, proper books of accounts, in which shall be fairly and truly entered all the transactions of the company, which books shall be, at all times, open for the inspection of the shareholders.

Sec. 10. This shall be deemed a public act, and shall be judicially referred to by all Judges, Justices, and others, without being specially pleaded.

Sec. 11. This Act shall remain in force for twenty-five years; Provided, Nothing herein contained shall be construed to authorize banking privileges.

Approved September 8, 1866.

CHAPTER V.

An Act incorporating the City of Jefferson, in Marion County.

Section 1. Be it enacted by the Legislature of the State of Texas, That all the inhabitants of the city of Jefferson shall continue to be a body politic and corporate, with perpetual succession, by the name and style of "The City of Jefferson;" and as such, by that name, shall be capable of contracting and being

contracted with, suing and being sued, impleaded and being impleaded, answering and being answered unto, in all Courts and places, and in all matters whatsoever; may purchase and hold real, personal and mixed property, and dispose of the same, for the benefit of the said city; and may have and use a corporate seal, and change and renew the same at pleasure.

Sec. 2. That the limits of the said city shall be as follows, to-wit: commencing at the point where the east boundary line of Allen Urquhart's survey leaves the Big Cypress Bayou, and running from thence in a north-west course one mile, and from thence on a south-west line, or to a point where said line may strike Big Cypress Bayou, thence down said bayou with its meanders to the place of beginning; Provided, That the said limits may be hereafter extended, by adding additional territory to the same, whensoever the majority of the inhabitants of said territory shall indicate a desire to be included within the limits of said city.

Sec. 3. That the municipal affairs of the said city shall be administered by a Mayor, eight Aldermen, a Secretary or Recorder, a Treasurer, a Marshal, a Superintendent of Streets, and such other subordinate officers as the Board of Aldermen may, in their sound discretion, deem necessary to the due regulation thereof.

Sec. 4. That every free white male person, who shall have attained the age of twenty-one years, and become a citizen of this State, and shall have resided within the limits of the said city for twelve months next preceding the election, shall be entitled to vote for Mayor and Aldermen of the said city.

Sec. 5. That as it is eminently just and proper that those who levy the taxes and expend the money of the people, should be themselves of those who pay taxes; therefore, to encourage economy in the administration of the affairs of said city, no person shall be eligible to the office of Mayor or Aldermen of said city, unless, in addition to his being qualified to be a voter therein he be possessed of real estate within the limits of said city to the value of five hundred dollars, (including improvements.)

Sec. 6. That, for the purpose of holding elections for city officers, the said city shall be divided into four wards, to contain, as nearly as may be practicable and convenient, an equal number of voters; and it shall be the duty of the Board of Aldermen to alter said wards, from time to time, in such manner as to preserve, as nearly as may be, an approximated equality of voters. The Mayor shall be elected by the qualified voters of the city, voting by ballot, in their respective wards, and shall hold his office for one year from the date of his election, and until his

successor shall be elected and qualified. At the first election held under this charter, there shall be elected, by the same voters, voting in their respective wards, two Aldermen from the first ward, two Aldermen from the second ward, two Aldermen from the third ward, and two Aldermen from the fourth ward, according to the provisions of the next succeeding section of this Act. At the first meeting of the said Board of Aldermen, so elected, it shall proceed to divide, by lot, the two members from each ward into two classes; and those of the first class shall hold their offices for one year, those of the second class for two years, and until their respective successors are duly elected and qualified, so that thereafter there shall be elected, at each annual election of Mayor, one Alderman from each ward, who shall hold their offices for two years, and until their successors are elected and qualified. The said Mayor and Aldermen, before entering upon the duties of their offices, shall take and subscribe to the same oath as administered to county officers, before the incumbent Mayor, County Judge, or any Justice of the Peace of the county.

Sec. 7. That the said city election shall be held on the second Monday of October in each and every year, and shall be conducted as follows: There shall be chosen, by the Board of Aldermen, at least ten days previously thereto, for each and every ward, three good and discreet men, as managers of the election, of which appointment, and of the time and places of election, the Mayor shall give at least ten days' public notice. On the day of election, the said managers shall meet at the places designated, and having appointed two clerks, and being themselves and their clerks first duly sworn, by the Mayor, or any Justice of the Peace, to the faithful performance of their duties, without fear or favor, shall proceed to receive the votes of their ward for one Mayor and such Aldermen as are to be elected, administering to each voter of whose qualification there may be doubt, previously to his voting, the following oath: "You do solemnly swear, (or affirm,) that you are qualified by law to vote for officers of this city, so help you God!" The managers shall hold the polls open from 10 o'clock, a. m., until 4 o'clock, p. m., and shall keep a correct list of all persons admitted by them to vote, numbering each voter, and marking his ticket with a corresponding number, as in the case of State elections. As soon after the closing of the polls as practicable, they shall proceed to count the votes, and shall make due return thereof, certified under their hands and seals, which said return, together with a certified list of the persons voting, they shall envelope, under seal, and transmit, by one of themselves, to the

Mayor incumbent. The said Mayor incumbent, shall, within twenty-four hours after receiving the said returns, call together the Board of Aldermen, who shall, in public meeting, proceed to open the returns, and decide upon the election. The person having received the greatest number of votes for Mayor being declared elected Mayor, and the persons having received the highest number of votes in each ward for Aldermen, being declared elected Aldermen of their ward, in accordance wherewith the Mayor incumbent shall deliver to the Mayor and Aldermen elect the certificates of their election, under his hand and the seal of the city, (if no seal, using a scroll for a seal;) and, in case the Mayor incumbent be absent, indisposed, or, for any other reason, unable, or refuse to receive said returns, or, having received the same, neglect to call a meeting of the Board of Aldermen, or, having called a meeting thereof, the said Board shall not meet, or, having met within the time prescribed, shall not open the returns and declare the election, then, and in either case, the election shall not be void, but the managers shall make out duplicate returns of the said election, and, having certified, sealed and enveloped the same, as before, shall transmit them to the County Judge of the county, who shall, forthwith, proceed to determine the election, and deliver certificates of the same, under his hand and official seal, to the persons elected, in the same manner as the Board of Aldermen and the Mayor should have done. The Mayor and Aldermen elect shall, on the first Monday after their election, or as soon thereafter as practicable, be regularly installed into their offices, in conformity with the last clause of the sixth section of this Act. Should any of the managers of the election fail to attend, at the proper time and place, the one or two who may be present shall select, from among the bystanders, a suitable person or persons to fill the vacancy so occasioned: and should none of said managers be present, then the bystanders, being voters, shall themselves select three suitable persons to conduct said election, who shall proceed to hold the election, and make returns thereof, in the same manner as the regular managers should have done had they been present.

Sec. 8. That the Board of Aldermen, at its first meeting after that in which the members were installed into office, shall proceed to elect, from without their own body, a Recorder or Secretary, a Treasurer, an Assessor and Collector, a Marshal, and a Superintendent of Streets, and such other subordinate officers as may have been created under the third section of this Act — the candidate receiving a majority of the whole number of votes

being declared elected. The Treasurer, Assessor and Collector, Recorder or Secretary, and Marshal, shall each enter into bond, payable to the Mayor of the city and his successors in office, with two or more good and sufficient sureties, in such sum as the Board of Aldermen shall direct, conditioned for the faithful performance of the duties of their several offices; whereupon, the Board of Aldermen shall, by motion, order the Treasurer, Assessor and Collector, Recorder or Secretary, and Marshal, lately incumbent, to deliver over to those several officers elect all moneys, books, papers, records, and all matters and things whatsoever which they or either of them, may have in his or their possession belonging to their said several offices, without which order, under the hand and seal of the Mayor, the said several officers shall not permit any moneys, books, papers, records, and other things, to be taken from the possession of them, or either of them; and if the said several officers, or either of them, shall, upon the receipt of such order, so certified, refuse or neglect to deliver over to their several successors the said moneys, books, papers, records, and other things, or any of them, they, or either of them, so offending, shall be deemed guilty of contempt, and, upon conviction thereof, in the City Court, shall be adjudged to pay a fine not exceeding one hundred dollars, and to be imprisoned, not exceeding seven days, for every week that he or they shall so retain the same—said fine to be collected by the execution issued from the said Court against the estate of them and their securities; Provided, That, for the time being, or as long as it may be good policy, and to the interests of the city, the Board of Aldermen shall have the power to consolidate the offices of Assessor and Collector, Superintendent of Streets and Marshal, and require to perform all the duties of the same, under penalties and bond deemed sufficient by the Board of Aldermen.

Sec. 9. That the Mayor of said city shall be the chief executive and judicial magistrate thereof, and, as such, shall be vigilant and active in causing the laws, ordinances, and regulations of the city, to be executed and enforced. He shall take instant measures for the quelling of all riots and disorders, and the dispersion of all unlawful assemblages of persons in said city. He shall exercise a general supervision over the conduct of all subordinate officers, and cause their violations of law, or neglect of duty, to be reported to the Board of Aldermen, to be punished by fine, not to exceed one hundred dollars, or by dismissal from office, as they shall see fit. He shall, at the request of three Aldermen, or whenever he may deem it advisable, call special

meetings of the Board of Aldermen, causing due notice to be given to each member thereof, and shall preside at all meetings of the said Board, but shall have no vote, unless there be a tie, in which case he shall give the casting vote. He shall, from time to time, communicate to the Board of Aldermen such information, and recommend such measures, as the welfare of the city may, in his opinion, render necessary, and, generally, shall do and perform all such acts and duties which the said Board of Aldermen may lawfully require of him as the chief magistrate of the city. He shall, as judicial magistrate, hold a City Court within said city; and said Court shall have cognizance of all misdemeanors, breaches of the peace, infractions of the ordinances, and all other cases arising under the laws of said city, and shall be deemed always open for the trial of said cases. The said Mayor, as Judge thereof, shall have power to issue subpoenas, writs, executions, and other process known to the law, which a Justice of the Peace of this State may lawfully issue; and the said subpoenas, writs, executions and other process, shall be issued, served and executed, under the same forms, and in the same manner, as the like process should be when issued by a Justice of the Peace. He shall have power to punish all contempts; and for his services, the said Mayor shall receive such stated salary as the Board of Aldermen may deem sufficient—the said salary to be neither increased nor diminished during the term of service of any incumbent; his fees shall be the same for services of like character as that of Justices of the Peace as fixed by law.

Sec. 10. That the Board of Aldermen shall be composed of two Aldermen from each of the four wards of said city, and shall have full power and authority to make and establish such ordinances, regulations, laws and by-laws, as they shall deem necessary for their own government, and to preserve the peace, cleanliness, comfort and salubrity of said city; to secure the safety and convenience of passing in the streets, alleys, squares, levees, and other public ways; to direct the construction, maintenance and repairs of sidewalks in the said streets, at the cost of the proprietors of neighboring houses and lots, and to determine the dimensions thereof; to establish rules and regulations in relation to partition walls and fences; to require all low grounds and lots in said city to be drained and filled up by the proprietors thereof, and, in case of their refusing or neglecting so to do, when ordered, to cause the same to be drained and filled up, and the premises to be sold to defray the expenses thereof; Provided, nevertheless, That the proprietor of the lots

or land, so sold, shall be entitled to receive that part of the purchase money which may remain after defraying the expenses of draining, filling and selling the same. The said Board shall have power to fix the place and landings for all steamboats and water crafts in the city or port of Jefferson, and to establish quarantine, and all other regulations which may be necessary to prevent the introduction or spread of contagious epidemics, or infectious diseases; to organize a fire department, and to regulate the same, and to pass such other laws as may be deemed necessary for the prevention and extinguishment of fires; to establish a city guard or patrol, and to regulate the same; to provide for lighting of the streets; to establish one or more market places; to provide for the inspection of all comestibles offered for sale therein, or elsewhere, and otherwise to regulate the same; to prevent forestalling and regrating, and to punish the same; to establish and enforce, by suitable penalties, the proper weights and measures; to regulate the assize and quality of bread, and every thing that relates to butchers, bakers, tavern keepers, and other persons keeping public houses, beer saloons, or grogshops, draymen, hack drivers, horse drivers, water carriers; to prevent the establishment, within the said city, of houses of ill fame, or any other place of resort for gambling, or other vicious purposes; to establish hospitals for accommodation of destitute sick persons, poor-houses for the infirm and indigent, and work-houses for the confinement of common beggars, vagrants, and other idle and vicious persons, and to pass such laws, and appoint such officers, as they may deem necessary for the due management thereof; to provide places for the storing of gunpowder, the burying of the dead, and the reception of all carrion, offal, tainted provisions, and other filth, from within the said city, and to prevent the use of any other place, within said limits, for the same purposes; to prohibit the establishment of slaughter-houses, or any other nuisance, within said city; and, generally, to do such other acts, and to pass such ordinances, not inconsistent with the Constitution and laws of this State, or of the United States, as may conduce to the interest and welfare of said city; Provided, That no ordinance or by-law, passed in pursuance of this Act, shall go into effect, unless the same be approved by the Mayor, or, being disapproved by him, it be passed by a vote of three-fourths of the whole Board, nor until five days after the same shall have been published in one of the newspapers of the city, unless, in the opinion of three-fourths of said Board, the emergency may be such as to require a departure from this rule. An attendance of three-fourths of

the members of the Board shall be necessary to form a quorum; and the said Board, by a vote of three-fourths of the whole Board, may, at any time, for cause assigned, dismiss any officer elected by the Board, and elect a new incumbent. And to defray the expenses of said city, the said Board are hereby fully authorized and empowered to impose a direct property and license tax upon all such persons, property and employments, as are liable to taxation, under the Constitution and laws of this State, and to make and execute all laws necessary to enforce the collection of the same; Provided, nevertheless, That no property tax (unless for special purposes, and specially provided for by act of this Legislature) shall, for any one year, exceed the one-half of one per cent. of the value of the property, nor any license tax the sum of two hundred dollars; nor shall any tax be levied without the concurrence of three-fourths of the whole Board in its favor. And, in order the more effectually to enforce the ordinances of the said city, the said Board of Aldermen shall impose, upon the violation thereof, such fines and penalties, not exceeding one hundred dollars, and such imprisonment, not exceeding fifteen days, to be collected and inflicted through the City Court, herein before provided, as they may deem necessary and proper.

Sec. 11. The Board of Aldermen of said city of Jefferson shall, for municipal purposes, levy a poll tax of one dollar each, on all male inhabitants, of the age, and over twenty-one years, the enforcement and collection of which tax under the same regulations as herein before provided in this act.

Sec. 12. The Board of Aldermen of the city of Jefferson shall have power at any time to levy a special tax for the following purposes, to wit: building of a city hall and jail, the erecting wharfs, building free bridges across Big Cypress Bayou, aiding the improvement of the navigation between the said city of Jefferson and Shreveport, La., or in the construction of railroads to or from Jefferson; and should the said authorities of Jefferson deem it necessary for the accomplishment of the above objects, they are hereby authorized and empowered to issue bonds, not to exceed fifty thousand dollars, or as much thereof as may be necessary, the said bonds to be in sums of not less than one hundred nor more than one thousand dollars, to be payable in not less than ten, nor more than twenty years, from the date thereof, and to bear interest of and at the rate of not more than ten per centum per annum, which interest shall be paid semi-annually, on presentation and surrender of the coupons to be thereto attached, for which payment the said Board of Aldermen shall have and are hereby invested with the power, to impose and assess, as

other taxes are collected, a special tax, not to exceed one per centum per annum on all the property, real and personal, not exempt by law from taxation, and being in the limits of said city; Provided, that in levying a special tax, it shall require a concurrence of three-fourths of the whole Board of Aldermen of said city.

Sec. 13. That the Treasurer of said city shall receive, and securely keep, all moneys belonging to the said city, and make all payments for the same, upon the order of the Mayor, attested by the Recorder or Secretary, and the seal of the city; he shall keep regular and correct accounts of their real, personal and mixed property, and shall render a correct statement of his receipts and payments to the Board of Aldermen at their first regular meeting in every quarter, and whensoever at other times he may be required by them to do so, and at the end of every half year shall cause to be published, at the expense of the city, a statement, showing the amount of receipts and expenditures for the six months next preceding, and the general condition of the Treasury, and shall do and perform such other acts and duties as the Board of Aldermen may lawfully require of him as the Treasurer of the city. And for his services, the said Treasurer shall receive such compensation as the Board of Aldermen may deem sufficient, the said compensation not to be changed during the term of service of any incumbent.

Sec. 14. That the Assessor and Collector of the city shall make up the assessment of all property taxed by the city, and collect the taxes of every kind as they shall become due and owing, and generally perform all the duties in relation to city taxes as are required of the State Assessors and Collectors in regard to the State and county taxes under such forms and regulations as the Board of Aldermen may prescribe, and shall pay over to the Treasurer, every month, the moneys which he shall have received, and make a report thereof to the Board of Aldermen at their first regular meeting in every quarter. All assessments of property shall be made under oath, by the party returning the same; if the appraisement be unsatisfactory to the Assessor, it shall be referred to a board of three commissioners, being owners of real estate in the city, to the value of one thousand dollars, and entirely disconnected with the administration of the city, who shall be appointed by the Board of Aldermen, and whose decision shall be final. The same commissioners shall assess the value of all property whose owners are unknown, or which may not have been returned, and receive for their services

such remuneration, not being a per centage, as the Board of Aldermen shall think proper.

Sec. 15. That the Marshal shall be (the) chief constable of the said city, and shall, either in person, or by one of his deputies, attend upon the City Court, while said court may be in session, and shall faithfully execute all process issued from the said court; he shall be active in quelling riots, disorders and disturbances of the peace, within the limits of said city, and shall take into custody all persons so offending against the peace of the community, and him, her or them, have before the City Court, if in session; if the said court be not then in session, the said Marshal shall commit the person or persons so offending, to the city jail, there to be securely kept in custody, until the city court shall be in session, when he, she or they shall forthwith be taken before the said court, there to be fined and punished according to the laws of the city and the sound discretion of the court; Provided, that said Marshal may, at his discretion, take suitable and sufficient bail for the appearance before the city court, of any person charged with an offence against the ordinances or laws of the city, being himself responsible for the appearance of said accused. The said Marshal, for the more efficient discharge of his duties, may appoint one or more deputies, who shall have the same powers, and perform the same duties, as the Marshal has or should perform, the said Marshal being responsible for the faithful performance of their duties by his said deputies; and for his services, the Marshal shall receive the same fees as the Sheriff of the county does by law receive for like services, and such other compensation, if necessary, as the Board of Aldermen may deem sufficient.

Sec. 16. That the Superintendent of Streets shall supervise all work undertaken by the Board of Aldermen, upon the streets, alleys, and public squares of the city, direct the grading of the same, and the construction of sidewalks, so as to preserve a due uniformity in their height and width; inspect the draining and filling up of all such lots and low grounds as may be ordered by the city; superintend the building of all culverts and bridges; and all work upon the wharves of the city, control all gangs of workmen employed by the city upon the streets, and remove all obstructions that may be unlawfully put in any of said streets, alleys, squares, or other public thoroughfares, and generally do all other acts and things which the Board of Aldermen may lawfully require of him; and for his services shall receive such stated salary as the said Board may determine.

Sec. 17. That such officers as may be created by the Board

of Aldermen, under the third Section of this Act, shall have such powers, perform such duties, be subject to such penalties, and receive such compensation as the Board may direct; and the said city of Jefferson shall always be responsible to any person or persons for any trespass, wrong, injury, or damage, done to such person or persons, contrary to law, by any of the officers of said city, under color or pretence of his office; and the said city of Jefferson may be amerced in damages for the same, in any suit or suits brought against the said city, in the courts of this State.

Sec. 18. That for the more efficient discharge of their several duties, the Mayor of said city shall be ex-officio Justice of the Peace, and as such, he shall take cognizance of all crimes and misdemeanors under the laws of this State, committed within the limits of said city, and do and perform all other acts and duties which a Justice of the Peace may lawfully do, except that he shall, in no case, entertain jurisdiction over civil suits. And said Mayor, and the Marshal and his deputies, are hereby fully authorized and empowered to call to their aid the assistance of any person, resident in the said city, whenever, in the discharge of their several duties, in cases of riot, disorder, breach of the peace, or resistance to their lawful authority, they may need the same; and any person or persons who shall, when so called upon, neglect or refuse to render his assistance, shall, on conviction thereof in the city court, be liable to such fine, not exceeding one hundred dollars, and such imprisonment, not exceeding ten days, as the said court shall, in its sound discretion, impose.

Sec. 19. That whensoever a vacancy shall occur in the Board of Aldermen, or any other office, in said city, by death, resignation, removal, or otherwise, or whensoever, from any cause, the regular elections shall not be held at the proper time, the Board of Aldermen may, and shall, as soon as practicable thereafter, order an election to fill such vacancy, or to supply the place of such omitted election, and the said election, so ordered, shall be conducted, in all things, in the same manner as hereinbefore prescribed for the regular elections. And in case of the sickness of any officer, and until the vacancy shall be filled by such election, the Board of Aldermen are hereby fully authorized and empowered to appoint other persons (if it be the office of the Mayor, from their own body; and if any other office, from without their body,) to fill such office until such sick person shall recover, or such vacancy be filled by election by the people, or by the Board of Aldermen; and the person so appointed shall have the same power, perform the same duties, be subject to the same penal-

ties, and receive the same compensation for the time being, as if he had been duly elected to said office.

Sec. 20. The Board of Aldermen shall hold their regular meetings on the first and third Mondays of each and every month, and may meet at any other time that the Mayor shall, in his discretion, call them together, or any three of themselves shall deem necessary. Each member of said Board shall receive for every regular meeting which he shall attend, the sum of two dollars; any member who shall fail to attend a regular meeting, shall, for each and every such failure, be fined three dollars, unless prevented from attending by sickness of himself, or in his family, or absent from the city; and no member of said Board shall be appointed to any employment, contract, or office, under the said corporation, except to the office of Mayor pro tempore, as provided in the next preceding Section.

Sec. 21. That all real estate, which may be sold by, or under the direction of the corporate authorities of said city, for taxes, or to pay the expenses of draining and filling up the same, as provided in the eleventh Section of this Act, may be redeemed at any time within two years from the date of sale, by the proprietor, his heirs, executors, or administrators, paying to the purchaser thereof, his representatives, or assigns, or depositing with the Assessor and Collector, for his or their benefit, double the amount of the purchase money and of the taxes which he or they may have subsequently paid thereon, nor shall any title issue to said purchaser before the expiration of said two years, but only a certificate of purchase, saving, nevertheless, to infants, femmes covert, and persons non compos mentis, in addition to the two years, the period of infancy, coverture, or mental disability.

Sec. 22. That in any court in this State, in which the said city of Jefferson shall be a party, it shall be no exception to competency of a witness, that he is an inhabitant of, or the owner of taxable property in the said city; and all writs, notices, and other process served upon the Mayor, or person acting in his stead, for the time being, shall be deemed to be served upon the city of Jefferson.

Sec. 23. That all laws, and parts of laws, heretofore passed in relation to the incorporation of the town of Jefferson, be and the same are hereby repealed; Provided, nevertheless, that all ordinances, laws, and by-laws, passed by the corporate authorities of said town of Jefferson, under said acts, and which are now in force, shall remain in force until the same are altered, amended or repealed by the said authority under the present act. nor

shall anything in this act contained be so construed as to alter or impair any contract or obligation which may heretofore have been entered into by the duly constituted authorities of said town, but all such obligations and contracts, and all debts and liabilities due and owing to and from the said town, shall be and remain, to all intents and purposes, as binding upon the parties as if this act had not been passed.

Sec. 24. That so much of this act as relates to the imposing of special taxes, in Section 12, may be imposed and levied by the present Mayor and Board of Aldermen of the town of Jefferson, and all provisions of said Section 12, may be carried out by said Mayor and Aldermen.

Sec. 25. That this act take effect and be in force from and after the fifteenth day of October, 1866, and that all laws and parts of laws in conflict with the provisions of the same, be and the same are hereby repealed.

Approved September 11, 1866.

CHAPTER VI.

An Act to incorporate the Hearts' Creek Turnpike Company, in Titus County.

Section 1. Be it enacted by the Legislature of the State of Texas, That there shall be, and is hereby created a body corporate and politic, under the name and style of the Hearts' Creek Turnpike Company, composed of Henry W. Jones, Jr., his successors or assigns, and the following privileges, rights, immunities, are hereby granted to said corporation, as hereinafter set forth.

Sec. 2. Be it further enacted, That the said Henry W. Jones, Jr., his successors or assigns, shall have the privilege of constructing a Turnpike Road over the stream known as Hearts' Creek, at the crossing about two miles east of Mount Pleasant, in Titus county, Texas, on the road leading from Mount Pleasant to Jefferson. The said road to be constructed with a sufficient number of bridges to admit the free passage of the water, and by leveeing and ditching, so as to make the road safe, and above high water. The said road and bridges to extend from hill to hill, a distance of about seven hundred yards, and not less than twenty feet wide, and to be kept constantly in repair, and a toll gate be erected, at which the tolls hereinafter specified may be assessed and collected from persons passing over said road.

Sec. 3. That the privileges herein granted, and this charter, shall continue for twenty years, from and after the passage of this act.

Sec. 4. Be it further enacted, That the said Henry W. Jones, Jr., his successors or assigns, shall be allowed one year, from the passage of this act, to comply with the terms of this charter, and if not completed within that time, the privileges herein granted to be forfeited.

Sec. 5. Be it further enacted, That after the completion of the said road, it shall be the duty of the County Judge, and at least two of the Commissioners of Titus county, upon being notified of the same, to examine said road, and if they shall find the work done in accordance with this act, they shall give a certificate setting forth the facts.

Sec. 6. Be it further enacted, That the said Henry W. Jones, Jr., his successors or assigns, shall execute a bond in the sum of five thousand dollars, made payable to the County Judge of Titus county, with three or more good securities, conditioned that the said Henry W. Jones, Jr., his successors or assigns, shall pay all damages that may be sustained by persons crossing said Turnpike on account of the same being out of repairs; and any person or his property, being thus injured, may sue on said bond in his own name, the said corporation, in accordance with the rules of pleading, and by that the said corporate name, said corporation may sue and be sued.

Sec. 7. Be it further enacted, That the said corporation be authorized to purchase and hold stock, estate, real, personal or mixed, to the amount of ten thousand dollars, and no more, to better enable them to comply with the conditions of said charter.

Sec. 8. After the foregoing conditions and regulations have been complied with, the following tolls shall be assessed and collected:

For four or six horse or ox wagon, loaded, fifty cents.

For four or six horse or ox wagon, empty, twenty-five cents.

For two horse or ox wagon, hack, carriage, ambulance or buggy, twenty-five cents.

For horses and cattle per head, five cents.

For sheep and hogs per head, three cents.

For man and horse, ten cents.

For footman, each, five cents.

Provided, That said corporation shall not be allowed to charge any citizen of Titus county any of the above rates, except for wagons that may be hauling goods, wares and mer-

chandise for any trader or merchant; these may be charged, and none other.

Sec. 9 This Act, not interfering with any charter previously granted by the Legislature, to take effect from and after the passage of the same.

Approved September 13th, 1866.

CHAPTER VII.

An Act amendatory of, and supplemental to an act to incorporate the Jefferson Insurance Company, passed January 7th, 1860.

Section 1. Be it enacted by the Legislature of the State of Texas, That the above-recited act, shall hereafter read as follows, to-wit: That there may be and is hereby established in the city of Jefferson, county of Marion, in this State, a company for the purpose of transacting a general Insurance business, which company shall be called, and known by the name of "The Jefferson Insurance Company," and the stockholders and their successors shall have continuous succession, and by that name shall be capable of suing and being sued, in all the courts of this State, of purchasing, holding and conveying property of all descriptions, not to exceed in value fifty thousand dollars at any one time, to make, have and use a common seal, and the same to alter and renew at pleasure, and generally to do any act necessary to carry into effect the objects of the corporation, not inconsistent with the laws and the Constitution of this State, or of the United States.

Sec. 2. That the capital stock of this Company shall be one hundred thousand dollars, to be divided into one thousand shares of one hundred dollars each, and the same to be paid in the following manner: ten dollars on each share at the time of subscription, the residue at such time as the President and Directors may direct, which said capital stock may hereafter be increased to one million of dollars by the President and Directors of the corporation, whenever a majority of the stockholders shall, by vote, so direct. The said stock shall be deemed and held as personal property, and if any stockholder shall neglect and refuse to make the payments as required, his stock may be sold by order of the President and Directors, in such manner as they may think fit to direct; and such stockholder shall be liable for

the balance due by him as stockholder to the Incorporation, as it becomes due, and may be sued in the District Court of Marion county, in this State, for the same.

Sec. 3. That the books of subscription shall be opened in the city of Jefferson for said shares, under the superintendence of J. M. Murphy, B. J. Terry, R. P. Crump, W. M. Harrison, A. W. Wright, W. Tumlin, P. M. Graham, A. G. Bateman, F. A. Shluter, Theo. Nichols and T. B. Goyne, or any three of them, that said books of subscription shall be opened at any time prior to the 1st day of January, 1867, at such place in the city of Jefferson, as the Commissioners or any three of them may direct, advertisement of the time and place of opening such books to be made, for one week, in a newspaper published in Jefferson, and they shall be kept open until the said sum of one hundred thousand dollars, shall be subscribed for; and the said Commissioners, or any three of them, shall, as soon as may be, after the books of subscription are closed, call a meeting of the stockholders, and shall proceed to the election of not less than three, nor more than seven Directors, as may be determined by them, and the said Directors shall elect one of their number President; and the said President and Directors, elected in pursuance of this act, shall have full power and authority to make, appoint and remove, at pleasure, all officers and agents of said corporation, to fix their compensation, prescribe their duties, and provide for the taking of bonds from them for the faithful discharge of their duties, and generally to manage the affairs of said corporation. They shall also have power to fill any vacancy which may occur in their body, and also to appoint a President pro tempore, when the President may be absent from their meetings; and if the President or any Director be absent without leave for five consecutive regular meetings of the board, a majority of the same may declare his place vacant, and proceed to fill it without notice to such absent President or Director.

Sec. 4. That the Directors of the corporation, shall call an annual meeting of the stockholders, to make such election for Directors, who, when so elected, shall hold their offices for the term of one year, or until their successors are elected; and in all meetings of the stockholders, those holding a majority of the stock shall constitute a quorum, and each stockholder shall be allowed one vote for each share he holds, and the stock may be represented either in person or by proxy, and the power to cast the votes of absent stockholders may be constituted by any written expression of the stockholder, so appointing a proxy, to

vote for him: Provided, That no stockholder, who has failed to pay any installment upon the stock which has been called for shall be permitted to vote at any meeting of the stockholders.

Sec. 5. The said corporation shall have full power to make insurance upon steamboats, and all other river crafts, and boats of every kind, and all goods, wares and merchandise, products of the country, of any character, bullion, money and other property, against all maritime and river risks, and upon houses, stores and other buildings, goods, wares and merchandise of any description, against loss or damage by fire, and to fix a premium thereon. And it may loan its money or other properties to any person or persons on any security it may deem proper: Provided, that nothing in this act shall be so construed as to authorize this corporation to use its monies or other property in any manner which it may not be lawful for any citizen of this State to do.

Sec. 6. The President and Directors of the company shall annually or semi-annually divide, to the stockholders thereof, so much of the profits of the business of the company as in their discretion they shall deem safe and proper; which dividend, when declared, shall, in the discretion of the President and Directors, be endorsed on the unpaid stock notes of the party entitled to the dividend, until such notes are paid in full, or may in their discretion be paid to the parties entitled. But no dividend of any of the profits of the company shall be made at any time unless the capital paid in remain unimpaired.

Sec. 7. So soon as the President and Directors of the Company shall establish, by proof, to the satisfaction of the County Court of Marion county, that ten per cent. on one hundred thousand dollars of the capital stock of the corporation has been paid in by the stockholders, to the Secretary of the Company, and that the balance or residue of said one hundred thousand dollars of capital stock has been secured, to be paid when called for, by the notes of the subscribers to said capital stock, well secured by not less than two good and solvent persons, or by mortgage on real estate sufficient to amply secure the same, and also, shall establish to the satisfaction of said County Court, that the Direction of said corporation has been organized in conformity with the provisions of this act, then said County Court shall give them a certificate thereof, which shall be their warrant to commence business operations under the authority conferred by this act. And any increase in the capital stock of said company beyond said amount of one hundred thousand dollars, shall be by resolution of the stockholders at their regular annual

or semi-annual meetings, January and July, and the subscription to such increased stock, shall be secured as in section before provided, but the company shall not be allowed to do business on such increased capital stock until the President and Directors shall have made proof to the satisfaction of said County Court of Marion county that the per cent. on such increased stock has been paid to the Secretary of the Company, and that the residue of the subscriptions to such increased stock has been secured, to be paid in the manner as in this section provided in relation to the one hundred thousand dollars of stock subscription, and said County Court shall have given a certificate thereof to said President and Directors.

Sec. 8. That the President and Directors of said corporation shall have power to fix the places and modes of transfer of certificates of stock, as well as the payment of interest and dividends. That a majority of the board of Directors shall constitute a quorum for the transaction of business, and that said Board of Directors shall also have power to pass such by-laws as may be necessary to carry this act into effect, to delegate authority to such officer or person as they may deem proper, and to execute or authorize the execution of all such bargains and contracts as may seem to them best for the interests of the corporation.

Sec. 9. That the said corporation shall be responsible to the extent of its property, and the stockholders to the extent of the amount of their respective stock not paid up. In case the company shall fail, refuse or be unable to pay any judgment which may be recovered against the same, the person or persons or corporation, interested in said judgment, shall have a right of action against each stockholder thereof, and his, her or their securities, on the note required to be given by the 7th section of this act, until such judgment or judgments are satisfied. And the officers of the company shall, during the months of January and July of each year, cause a full and accurate statement of the affairs of the company to be made out and published, at least one week, in some newspaper published in the city of Jefferson, which statement shall be signed and sworn to by the President of the company.

Sec. 10. That this Charter, and all the privileges and powers herein granted, shall continue in force and effect for the full term of twenty-five years from the passage of this act.

Sec. 11. That this Act be in force from and after its passage.

Approved September 15, 1866.

CHAPTER VIII.

An Act to incorporate the Merchants' Mutual Insurance Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That J. S. Sellers, J. M. Swisher, J. C. Massie, J. T. Brady, Boulds Baker, M. McMorries, M. Koptperl, J. W. Shipman, C. Thompson, W. R. Hodges, J. H. Shropshire, W. H. Nichols, C. F. Jenny, and their present and future associates, successors and assigns be and are hereby incorporated and created a body politic and corporate, by the name and style of the Merchants' Mutual Insurance Company, and by the same name and style, they and their successors shall be capable of suing and being sued, and maintaining any action to final judgment and execution, and shall be in law capable of purchasing, holding improving and conveying any estate, real, personal or mixed, for the use of said corporation; and the said corporation shall have the power to ordain, establish and put in execution such by-laws, ordinances and regulations as shall be necessary for the government thereof, and it shall be lawful for the said corporation, after the expiration thereof, to use the corporate name, style, and capacity, for the purpose of suits for the final settlement and liquidation of the affairs and accounts of the corporation; and for the sale and disposition of their estate, real, personal or mixed, but not for any other purpose, nor for a period exceeding three years after the expiration of the term of incorporation.

Sec. 2. Be it further enacted, That the capital stock of said corporation shall not be less than two hundred and fifty thousand dollars, divided into shares of one hundred dollars each, and the same shall be created and paid, in such manner and at such times as the President and Directors of said Corporation shall require; of which requisition, at least one months' notice shall be given, by publication in two newspapers, printed in the city of Galveston; and if any stockholder shall fail to pay any installments so required to be paid, he or she shall cease to be a member of said Corporation, and shall forfeit his or her stock, and the share or shares so forfeited may be sold by said Corporation, in such manner as they may think proper, but such forfeiture and sale of such stock shall not release the holder thereof, nor his or her sureties, on the notes contemplated to be given in sections 6 and 8, of this Act, from his or her liability on account of said notes, to any person or persons having a just claim against said Corporation, which shall have accrued before such sale.

Sec. 3. Be it further enacted, That for the well ordering of the affairs of said Corporation, there shall be thirteen Directors, who shall be stockholders of the Corporation. They shall be elected by the stockholders at their annual meeting, to be held on the first Monday in March, of each year, for that purpose, and the Directors, at their first meeting, shall choose one of their own number as President, and another as Vice President; provided, nevertheless, that until the first annual election the persons named in the first section of this Act shall have, and may exercise all the powers given to the President and Directors by this Act; and in all elections for Directors the vote shall be by ballot, and each stockholder shall have one vote for each share he may hold; but no stockholder shall vote at any election unless the share or shares upon which he may claim to vote shall have been standing in his or her name, on the books of said Corporation, for at least three months previous to such election. In case of absence from any general meeting, any stockholder may be entitled to vote by proxy.

Sec. 4. Be it further enacted, That the Directors of said Corporation, for the time being, seven of whom, including the President, shall form a quorum, shall have power to appoint such officers, clerks, agents and other persons as shall be necessary for conducting the business of said Corporation, and to allow said persons, so appointed, such compensation for their services as they shall deem proper, and generally to exercise all other powers and privileges as are given by law to Corporations.

Sec. 5. Be it further enacted, That it shall be lawful for the said Company to employ the funds thereof in establishing and sustaining the business of Marine and Fire Insurance; to insure vessels in port, buildings, merchandise, and all other perishable property on land, against loss or damage by fire; to make all and every insurance appertaining to, or connected with marine, inland and transportation risks, and to charge, collect and receive for the same, such premiums of insurance as the President and Directors of said Corporation may deem just and reasonable. It shall be lawful for the said Corporation to buy and sell exchanges, and to lend, at a rate of interest not exceeding twelve per cent. per annum, any surplus capital they may at any time possess; to lend money on bottomry and respondentia security at marine interest. But it shall not be lawful for said Corporation to issue any promissory notes of the character of bank bills, or to exercise banking privileges.

Sec. 6. Be it further enacted, That the shares of said Corporation shall be assignable and transferable upon the books of

said Company, according to such rules and regulations as the President and Directors thereof shall, for that, purpose, ordain and establish; and in case the assignee of any share or shares of stock shall deposit his note, with securities as contemplated and provided for in section 8 of this Act, then the assignor of such share or shares shall have the right to withdraw and cancel his note or notes and securities given for such share or shares of stock, otherwise the notes and securities of said assignor to be and remain subject and liable to all the conditions and provisions contained in section 9 of this Act.

Sec. 7. Be it further enacted, That the President and Directors of said Corporation shall, annually or semi-annually, make such dividends of the net profits of the Company as shall appear advisable, but the following rule of distribution shall, in all cases, be observed, to-wit: One half of said profits, after deducting twenty-five per cent thereof for a reserved fund, shall be credited to the stockholders in proportion to the stock owned by them, and endorsed upon their notes until such notes are paid in full, when it shall be the duty of the President and Directors to issue certificates to the stockholders for full paid shares and the remaining half shall be distributed in scrip to all those who shall have effected insurance with the Company, which scrip shall be redeemable when the accumulated net profits of the Company shall exceed the sum of five hundred thousand dollars.

Sec. 8. Be it further enacted, That the office of the Company, incorporated by this Act, shall be located in the city of Galveston, and so soon as the President and Directors thereof shall establish by evidence, to the satisfaction of the County Court of Galveston county, that ten per cent of the capital stock of said Corporation has been paid by the stockholders thereof, and that the balance or residue of said capital of two hundred and fifty thousand dollars has been secured, to be paid when called for, as contemplated in section 2 of this Act, by the notes of the holders of said capital stock, secured by good and solvent security or securities, and shall also establish, to the satisfaction of said County Court, that the Directors of said Corporation have been organized in conformity with the provisions of section 3 of this Act, then said County Court shall give them a certificate thereof, which shall be their warrant to commence business operations, under the authority vested by this Act.

Sec. 9. Be it further enacted, That in case the Corporation created by this Act shall become insolvent, which fact shall be ascertained by the return of "no property found," upon execution issued on a judgment rendered against it, the said judgment

creditor, or any other creditor thereof, may at once enter a suit in the District Court of the county of its domicile, against said Corporation, for a decree of insolvency, which decree shall also provide for the appointment of a Receiver or Trustee, whose duty it shall be to demand and receive from the said Corporation all its property and assets of every description, and proceed to collect the same, and pay the same out, in satisfaction of the debts due by said Corporation, in the same manner and under the same rules and regulations as provided for an insolvent estate.

Sec. 10. Be it further enacted, That the Charter granted by this Act shall continue in full force and effect for the term of twenty-five years from and after the passage of this Act.

Approved September 18th, 1866.

CHAPTER IX.

An Act to incorporate the Texas Oil, Iron, Mining and Manufacturing Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That T. M. Bagby, J. T. D. Wilson, Alex. Sessums, A. J. Burke, W. R. Baker, W. A. Van Alstyne, W. A. Bethell, W. H. Howard, R. J. Breckenridge, and W. J. Hutchins, of Houston, Harris county, C. G. Wells, T. H. McMahan, and John S. Sellers, of the city of Galveston, Texas, their associates, successors and assigns, be, and are hereby constituted a body corporate and politic, by the name and style of the "Texas Oil, Iron, Mining and Manufacturing Company," and by that name and style shall have twenty-five years succession, with power to contract and be contracted with, sue and be sued, to plead and be impleaded, (in that name,) to have a common seal, to engage in mining and boring for Petroleum, or Rock Oil, Iron, Coal, Salt Water, and the privilege of erecting Iron Works, for the purpose of manufacturing iron, and other valuable minerals, and in the manufacturing, refining, preparing for market, transporting and selling oil, iron, coal, salt, and other minerals, as products of said business, and of the land now owned, by lease or otherwise, or which may hereafter be owned by said parties, in this State; to hold their meetings, transport and sell their oil, iron, coal, salt, and other products, within or without the State, and to have all other powers, needful and proper for the successful

prosecution of their business, and for the execution of the powers herein granted.

That said corporation may organize said Company, by the election of a President, and such other officers and managers as they may deem necessary, at such time and place as they may designate, by notice previously given, (which notice must be given within six months of the passage of this Act,) and when organized, the Company shall have power to make such by-laws, rules and regulations, as they may deem necessary, from time to time, for the government and prosecution of the business of said corporation, not inconsistent with the Constitution and laws of this State.

Sec. 2. The capital stock of said Company shall be three millions dollars, and said Company shall have power to increase the same from time to time, not exceeding five million dollars; the said Company may buy, lease, or rent, any suitable lands, mines, oil, iron, coal, and salt rights and privileges, rights of way, and other property, necessary for their business, and may dispose of the same, or any portion of it, by sale or otherwise. They may receive real estate, lease and hold mining and boring rights, and rights of way, and other property, in payment of such part of subscription or stock as they may deem advisable.

Sec. 3. Said Company may erect and build, on any of their lands, such buildings, engines, machinery and fixtures, as may be deemed convenient and proper, for carrying on and conducting the said business of said corporation.

Sec. 4. Be it further enacted, That the principal office of said Company shall be at the city of Houston, Harris county, and that service may be made thereon by service upon the President, Secretary, or Treasurer thereof.

Sec. 5. That this act be in force from and after its passage.

Approved September 20, 1866.

CHAPTER X.

An Act to Incorporate the Galveston Wharf Junction Railroad Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That John S. Sellers, J. Milton Swisher, Charles H. Jordan, Gustave Ranger, Josiah Taylor and Samuel M. Allen, their associates and successors, be and they are hereby constituted

a body corporate, under the name and style of the "Galveston Wharf Junction Railroad Company," and as such have the right to sue and be sued, and to do and perform such acts as are necessary to carry into effect their corporate powers, herein set forth.

Sec. 2. Be it further enacted, That said Company is authorized to construct and operate a railroad, for the transporting persons or freight, beginning at, or near, the freight depot grounds of the Galveston, Houston and Henderson Railroad, within, or near the corporate limits of the city of Galveston, and running thence across the flats, to the east end of the grounds upon which the wharves in said city of Galveston are now, or which may hereafter be erected, and thence in the rear, along the line of said wharves, to the east end of said city, so as to connect said wharves with said railroad, and that said Company shall have the right to run said railroad along and across such streets and alleys in said city as may be necessary to the construction of said railroad; and in case it should be necessary to run said road across any private property, said company shall have the right to use said property for that purpose, by paying a fair valuation for the same, as may be agreed upon between said company and the owner or owners thereof, and in case said parties cannot agree upon the price or value, in that case it shall be determined by three persons, as referees: one to be chosen by each party, and the other by the two referees so chosen.

Sec. 3. That the capital stock of said company shall not exceed one million of dollars, to be issued in shares of one hundred dollars each, and that said incorporators shall open the stock books of said company, and when one hundred thousand dollars shall have been subscribed, the stockholders shall proceed to organize said company by electing a Board of Directors, not less than five, nor more than nine; each Director so elected shall own at least one thousand dollars of the capital stock of said company. Said Directors shall elect a President and Vice President, out of said board, and shall elect or appoint such other officers as may be necessary to conduct the business of said company.

Sec. 4. That said company shall construct said railroads, so that the width of track will conform to the State gauge, and shall have the right to connect the same with any railroad leading to, or within the city of Galveston, and that they shall have the right to exchange, or run their cars over the roads upon the terms and conditions now, or hereafter to be provided for by law.

Sec. 5. That said railroad shall not be laid out, or run through any portion of the corporate limits of the city of Galveston, without the consent of the corporate authorities of said city; and that this Act shall take effect from and after its passage, and continue in force for the term of twenty-five years.

Approved September 20, 1866.

CHAPTER XI.

An Act granting Lands to the Houston and Texas Central Railway Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Houston and Texas Central Railway Company shall be entitled to receive from the State a grant of sixteen sections of land, of six hundred and forty acres each, for every mile of road it has constructed, or may construct, and put in running order, "in accordance with the provisions of the charter of said Railroad Company;" Provided, that the lands heretofore drawn by said Company, by virtue of an Act to encourage the construction of Railroads in Texas, by donation of lands "approved January 30th, 1864," be deducted from the amount of lands granted hereby; And provided, further, that the land certificates heretofore issued to this Company, on the three first sections of their road, by virtue of the act aforesaid, be included in the terms, benefits and conditions of this act, as if issued by virtue of its provisions; And further provided, that said Company shall construct, and put in running order, a section of twenty-five miles of additional road to that now built, within one year from January 1st, 1867, or fifty miles within two years from that date; and such grant of land shall be discontinued when said Company shall fail to construct and complete at least twenty-five miles of the road contemplated by their charter, each year, after the construction of said first mentioned fifty miles of road; Provided, that said road shall be put in running order to Bryant's Station, and cars run regularly thereon, by the first day of September, 1867.

Sec. 2. Whenever said Company shall have completed and put in running order a section of twenty-five miles or more of its road, beyond the point which land has been granted and drawn, they may give notice of the same to the Governor, whose duty it shall be appoint some skillful engineer to examine said section of

road, and if, upon the report of said engineer, under oath, it shall appear that said road has been constructed in accordance with the provisions of its charter, and of the general laws of the State, in force at the time, regulating railroads, thereupon it shall be the duty of the Commissioner of the General Land Office to issue to said Company certificates of six hundred and forty acres, each, equal to sixteen sections per mile of road so completed, thereupon said Company may apply to the District Surveyor of any land district, to survey any quantity of vacant land subject to location and entry, in such district, not to exceed twice the quantity of certificates, so issued, and may cause to be surveyed the land so designated, into sections of six hundred and forty acres each, or half sections of three hundred and twenty acres each, which surveys shall be delineated upon a map or maps, the even and odd sections and half sections, and being differently colored and regularly numbered, from one upwards, to the full number contained in the block, and the field notes of said survey, and map or maps, shall be by said Company deposited with the Commissioner of the General Land Office, and it shall be the duty of said Land Commissioner to issue to said Company patents, for the odd sections and half sections of said surveys; and all the alternate or even sections and half sections shall be reserved to the use of the State, until appropriated by law, and not liable to location, entrance or pre-emption privileges.

Sec. 3. That surveys under the provisions of this act, shall be made by Deputies and District Surveyors of the districts in which the land is situated, and the field notes shall be recorded in such district, and returned to the General Land Office, as other surveys; and said Railroad Company shall construct their road in the line heretofore prescribed by "An Act for the relief of the Houston and Texas Central Railway Company," approved February 8th, 1861.

Approved September 21, 1866.

CHAPTER XII.

An Act to incorporate the Houston and Harrisburg Turnpike Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That B. A. Sheppard, Robert Lockhart, John H. Garey,

Ashbel Smith, T. W. House, John E. Owens, J. W. Henderson, A. W. Terrell, J. T. Tinsley, M. Richmond, J. W. Mitchell, E. W. Cave, George Frazier, R. W. Dowling, S. T. Smith and John Manly, and their associates and successors, are hereby constituted a body corporate and politic, under the name and style of "Houston and Harrisburg Turnpike Company," with powers to sue and be sued, plead and be impleaded, contract and be contracted with, to hold and convey personal and real estate, and to do and perform all things necessary and incident to the powers of a corporation and to effect the purposes of this Act; Provided, Said persons named in this Act shall only be considered commissioners to obtain, by subscription, the stock of said company, and that said company shall be organized and controlled by the stockholders, in the manner hereafter specified.

Sec. 2. That said company is hereby vested with the right to locate, construct, own and maintain a turnpike road; the same beginning at a point in or near the city of Houston, and running thence, as near as practical, in a straight line, to the bridge across Bray's Bayou, on Broadway street, in the city of Harrisburg, and from thence to any point on San Jacinto Bay, as said company may select; Provided, That said road shall be located north of the Galveston, Houston and Henderson Railroad, and shall run at least three hundred feet from said railroad. That said road shall be constructed in a safe and substantial manner, the grade of which, from the city of Houston to the city of Harrisburg, shall be at least eighty feet wide, and so much of the same shall be covered with shells as will allow at least three teams to travel abreast with dispatch and safety; that said company shall have the right to erect, upon said road, toll-gates, collect tolls, to enclose said road, and to do such other things as may be necessary to protect and maintain this franchise.

Sec. 3. That said company shall have the right of way over any land, over which (it) may be necessary to locate said road, not exceeding one hundred and fifty feet wide, by paying the owner the value of the same; and in case said owner and said company cannot agree upon the value of said land, said company shall make a reasonable offer to purchase the same from said owner; and if said owner shall fail or refuse said offer, the company shall then file a petition to the County Court, setting forth the amount offered, and the circumstances under which the same was made; in that case the County Court shall appoint three freeholders, as a commission, to value said land, and assess the damages, if any. If either party feels aggrieved at the award of said commission, he can take an appeal from the same to the

County Court; in which case, said Court will proceed to order a jury and try the same, according to the general practice of said Court.

Sec. 4. That the capital stock of said company shall not exceed five hundred thousand dollars, and that said stock (be) divided into shares of one hundred dollars each; shall have the right to receive, as a donation, any real estate or other property, and may receive, also, the same in payment of stock. That the stockholders in said company shall organize the same by electing a Board of Directors, consisting of not less than three, nor more than five stockholders, who shall elect one of their number President; and that said board shall manage the affairs of said company, and said company shall make such by-laws as may be further necessary for the government of said company.

Sec. 5. This Act shall be in force for thirty years, and not longer, and nothing herein contained shall be (so) construed as to grant any banking privileges.

Approved September 21, 1866.

CHAPTER XIII.

An Act to enable the Buffalo Bayou Brazos and Colorado Railway Company to change the present route of their Road, and to purchase the Charter, Corporate rights and Franchise of the Columbus Tap Railroad Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Buffalo Bayou Brazos and Colorado Railway Company, and Columbus Tap Railroad Company, both incorporated bodies of the State, be, and they are hereby authorized and empowered to enter into such arrangements as the said companies may agree upon for the purpose of extending the Buffalo Bayou Brazos and Colorado Railway Company on to Lagrange; to effect this object, the said Tap Railroad Company shall be authorized to transfer and set over to the said Buffalo Bayou Brazos and Colorado Railway Company, all of their right, title and interest to their said Charter.

Sec. 2. Be it further enacted, That said Buffalo Bayou Brazos and Colorado Railroad Company, be, and they hereby are authorized to receive from said Tap Road Company a transfer of their Charter, investing them with all the rights, privileges, interest and franchise invested in said Tap Road Company, by their

Charter; and said Buffalo Bayou Brazos and Colorado Railway Company be authorized to enter upon and take possession of their line of road, and complete the same across the Colorado river, into the town of Columbus, with a view of its extension, making it a part and parcel of the Buffalo Bayou Brazos and Colorado Railway Company, authorizing said Company to change their route, so as to pass through the said town of Columbus, and assuming again their line, as granted, from five to seven miles from the point of departure; and that this Act take effect from and after its passage.

Approved September 21st, 1866.

CHAPTER XIV.

An Act to authorize Senator R. H. Guinn to receive from the Treasurer, the per diem and mileage due to Hon. James W. Guinn, deceased.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Hon. R. H. Guinn, be, and he is hereby authorized to receive from the Treasurer of the State, the mileage and per diem due to the Hon. James W. Guinn, deceased, late Senator from the Third Senatorial District; and the Secretary of the Senate, be, and he is hereby required to deliver to Hon. R. H. Guinn, the certificate of the amount of mileage and per diem due to the said James W. Guinn, at the date of his death, and the Treasurer shall pay the same as herein authorized: and that this Act be in force from its passage.

Approved September 21st, 1866.

CHAPTER XV.

An Act to incorporate the Orphan's Home at Bayland, in Harris County, State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That Wm. P. Ballenger, M. S. Munson, H. F. Gillette, J. T. Brady, Ashbel Smith and F. H. Merriman, and their associates and successors, are hereby created and declared to be a body corporate and politic, by the name and style of "The Or-

phan's Home at Bayland, in the county of Harris," and that by said name and style they shall have succession, sue and be sued, plead and be impleaded, in all Courts whatever, in like manner and as fully as natural persons, and by said corporate name and style, shall be capable in law of contracting and being contracted with, and shall have the power of acquiring by purchase, donation or otherwise, property both real and personal, and mixed, so long as they confine their operations to the promotion of education, by means of said Institution, which shall be located in Bayland, in the county of Harris, in this State.

Sec. 2. The said body corporate and politic, in order to procure the funds necessary for the purchase of grounds and the erection of suitable buildings, may open books and solicit subscriptions to the amount of five hundred thousand dollars, (\$500,000 00,) payable at such time and place as may be agreed upon by and between the Trustees of said Institution and the subscribers.

Sec. 3. That said Trustees and their successors shall have full power to make such rules, by-laws and regulations as they may deem necessary for their own government, and the management of said Institution, and adopt such course of study as they may deem best for the pupils of said Institute, and may employ professors, teachers and other employees, and discharge the same.

Sec. 4. That there shall be a meeting of the Trustees of said Institution at the annual commencement of each Academic year, to fill any vacancy that may occur in their board, and shall elect a Secretary and Treasurer, who shall hold their office for the period of two years, or until their successors are qualified, and that said Trustees may elect a President from their own number, who shall preside at all meetings of said Trustees, a majority of whom may constitute a quorum to transact business.

Sec. 5. That said Institution shall be open to all denominations, but shall never become sectarian in its character; nor shall the peculiar doctrines of any denomination be taught therein; that all indigent white children shall be educated, boarded, lodged and clothed free of charge, and that none others shall enjoy the privileges accruing under this Charter, or receive the benefits of the subscriptions in behalf of said Institute.

Sec. 6. That immediately after the passage of this Act, the Trustees, or their agents, may open books, and solicit subscriptions, and any and all amounts heretofore subscribed for said Institute, shall be binding and collectable; and the Trustees may, also, immediately after the passage of this Act, organize for the transaction of business, and elect a Treasurer and Secre-

tary, who shall hold their office until their successors shall be qualified.

Sec. 7. This Act shall be in force for twenty-five years, and take effect from and after its passage.

Approved September 24th, 1866.

CHAPTER XVI.

An Act to incorporate the Texas Transportation Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That T. W. House, A. Sessums, J. T. Tinsley, W. P. Hamblin, J. S. Sellers, C. H. Jordan, N. P. Turner, H. N. Duble, and their associates and successors be, and they are hereby constituted and declared to be a body politic and corporate, under the name and style of the "Texas Transportation Company," and by that name may have succession, sue and be sued, plead and be impleaded, contract and be contracted with, may have and use a common seal, and do and perform all acts which said Company is herein authorized to do, or which may be necessary or incident to the purposes of said corporation; Provided, That the parties named in this Act, or a majority of them, shall only be authorized to act as commissioners, to organize said Company by receiving subscriptions to its capital stock, and that the stockholders shall organize said Company in the manner hereinafter provided.

Sec. 2. That said Company may have the right to transport, for pay, any passengers, mails and freight, to and from the cities of Houston and Galveston, to and from any other places within this State, and to and from such other countries and cities which now have or may hereafter have commercial intercourse with this State, and for that purpose may own and operate such steamships, steamboats, barges, or other vehicles of transportation, as may be necessary to the successfully conducting of the business of said Company.

Sec. 3. That, for the purpose of facilitating the business of said Company, by avoiding such portion of Buffalo Bayou as is difficult of navigation, and making connections with railroads leading to and from the city of Houston, said Company is hereby invested with the right to locate, construct, own, maintain and operate a railroad, commencing at a point on Buffalo Bayou, between the mouth of Bray's Bayou, and where the grade of the

Houston, Trinity and Tyler Railroad crosses Buffalo Bayou, and running thence to the city of Houston, and to connect with the Galveston and Houston Junction Railroad, as near as practical, where said road makes its junction with the Galveston, Houston and Henderson Railroad; and should said Company deem it advisable, they are hereby authorized to make a connection with the Galveston, Houston and Henderson Railroad, at or below said junction; Provided, That said Company shall not construct said road any further into the city of Houston than is authorized in this section without first obtaining the consent of the City Council of said city; And provided further, That the speed of said road within the corporate limits of said city shall be subject to such reasonable regulations as said City Council may prescribe; that said Company shall have the necessary right-of-way, not exceeding fifty feet wide, over any land which it may be necessary to locate said railroad, and one hundred feet where it is necessary to locate its turnouts, and turntables, and depots; Provided, Said Company shall pay to the owner or owners the value of the said right-of-way, and such damages, if any, as may be sustained by said owner or owners by the location of said railroad. That in case the said Company and the owner or owners of the land cannot agree upon the value of the right-of-way over the same, and the damages, if any, in that case said Company shall file a statement describing the land required, and a statement of facts connected with the offer to purchase the same, with the Judge of the County Court, who shall thereupon appoint three disinterested persons to proceed to value said land and assess said damages; and in case either party is aggrieved at the award of said persons, in that case they can appeal from said award to said County Court at its next term thereafter, whereupon said Court shall order a jury to determine the matter in controversy as in other cases.

Sec. 4. That said Company, for operating said railroad, may own all the necessary cars, engines, horses, and other motive power, and personal property requisite for that purpose, also such real estate as may be necessary for their depots, warehouses, workshops and car factories requisite for building or repairing said railroad or fixtures. That said Company shall have the right to run its cars over other roads, upon the conditions and in the manner prescribed by law. Said Company is hereby required to run over said road at least two trains each day, with passenger car attached, to be known as an accommodation train for the convenience of persons living in the neighborhood of said line of road, which trains shall stop at any place along the line

of said road when it is necessary to take on or put off a passenger or passengers or freight; and in case any conductor or agent of said Company shall fail or refuse to stop said accommodation train when requested to do so, by any person desiring to get off or on said cars as a passenger, said Company shall forfeit and pay to the party aggrieved the sum of not less than twenty dollars, which sum shall be recovered by said party before any Court of competent jurisdiction.

Sec. 5. That the capital stock of said Company shall not exceed one million of dollars, divided into shares of one hundred dollars each; and that the business of said Company shall be transacted under the supervision of a Board of Directors, who shall be elected from the stockholders, each share of stock to be counted as one vote, and shall consist of not less than three, nor more than five members, which Directors may choose a President from among their number, and shall appoint such other officers and agents as may be necessary to conduct the business of said Company; that the first Board of Directors so chosen shall hold their offices until the first Monday in April thereafter, or until their successors are duly elected; and that said Company may make such by-laws as may be necessary for the government of said Company, not inconsistent with this charter, or the laws of this State.

This Act shall be in force for a period of twenty-five years, and not longer, and shall take effect from and after its passage.

Passed September 25, 1866.

CHAPTER XVII.

An Act to incorporate the Brownsville Bridge Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That Mifflin Kennedy, Richard King, Edward Downey, F. J. Parker, and their associates and successors, be, and they are hereby created a body corporate and politic, under the name and title of the Brownsville Bridge Company, with the capacity in said corporate name to make contracts, to purchase and hold property, real and personal, to have successors, to make by-laws for its government and the regulation of its affairs, to sue and be sued, to plead and be impleaded, and generally to do and perform all such acts and things that may be necessary to the fulfillment of its obligations or the maintenance of its rights

under this Act, and consistent with the Constitution of the State.

Sec. 2. That said Company be, and is hereby invested with the right to establish a bridge over the Rio Grande, at the city of Brownsville, in Cameron county; Provided, That it shall not obstruct the navigation thereof, and that the same be, in all respects, safe and substantial, and that said Company shall be liable for all damages which may occur to persons or property in crossing said bridge, in consequence of the same being in bad repair, or from any bad management or willful misconduct on the part of said Company, or any agent or agents thereof.

Sec. 3. It shall be the duty of said Company to construct said bridge within two years from the passage of this Act, and to keep the same in good repair for the term of the duration of this Charter, which shall be for twenty-five years after the completion of the same, during which time no other toll bridge shall be built over said river within two miles of the point selected for said bridge by said Company, and said Company shall have the right to charge such toll, and to collect the same by suit or otherwise, as may be fixed by the County Court of said county, for any and all persons and description of property whatsoever crossed or crossing the same.

Sec. 4. Said Company shall have the right to establish said bridge at any point on said river within the boundaries of said county, opposite to the end of any public street or road ending at the river, or on the river bank where such street or road, if continued in a direct line, would so end, and to the use of said street, road or bank, for the purpose of establishing and maintaining said bridge; Provided, The uses of travel and traffic shall not be thereby obstructed, and shall have the right, after the completion of the same, to convey passengers and freight from one point to another of said bridge, by boat, at any time while the same may be undergoing repairs, or necessarily, for the time being, be otherwise obstructed, for which the same rates of toll or ferriage as before provided may be recoverable and charged.

Sec. 5. Said Company shall have the right-of-way over any land which may interpose or lie between the termination of any street or road so selected by said Company as aforesaid, and said bridge, if any there be, and may enter upon and take possession of said land, provided the same shall not exceed the width of said street or road, by paying the owner or owners thereof whatever price may be agreed upon; and should the said owner or owners of the land not be able to agree as to the price, the said

Company may petition the Judge of the County Court of said county, giving a description of the land which they require, with the names of the owners thereof; and the said Judge shall summon a jury of six freeholders, not in any manner interested, who shall, on oath, make a report of the value of the land so required; and upon the payment thereof by the Company to the owner or owners, or his or their agents, a good and bona fide title shall be granted by said Judge to said Company, a copy of which shall be recorded in the office of the County Clerk of the county aforesaid.

Sec. 6. That this Act take effect from and after its passage.

Approved September 24, 1866.

CHAPTER XVIII.

An Act to incorporate the Evergreen Cemetery Association.

Section 1. Be it enacted by the Legislature of the State of Texas, That Alfred S. Johnson, Willett Babcock, William Bramlette, Albert J. Redding, Van W. Hale, Sam Bell Maxey, Ed. Gibbons, Robert Cook Buckner, David Grant, James D. Wortham, and George W. Wright, all of Lamar county, are hereby created a body politic and corporate, with perpetual succession, under the corporate name and style of "Evergreen Cemetery Association," and that by that name may sue and be sued, plead and be impleaded, contract and be contracted with, in all the courts of this State, and shall have a seal.

Sec. 2. Said Association shall organize by the election of a President, Vice-President, Secretary and Treasurer, who shall be members of said Association, and who shall hold their respective offices during the pleasure of said Association.

Sec. 3. Said Association may acquire by gift, devise, or purchase, title to any quantity of land, not exceeding one hundred acres, and which shall not be more than one and one half miles from the court-house in the city of Paris, in Lamar county, for cemetery purposes, and receive therefore a deed or deeds of conveyance, in their corporate name.

Sec. 4. Said Association shall have as much of said land as they may deem necessary, laid off in suitable burying lots, with the necessary streets and alleys, and space for a centre-house, and cause a complete map thereof to be made, with the proper number plainly put on each lot. One copy of said map shall be de-

posited in the County Court Clerk's office, of Lamar county, and one copy thereof shall be kept by said Association.

Sec. 5. Said Association shall have the full power to sell the lots so laid off and mapped, at public or private sale, and a certificate of purchase executed by the President, under the seal of said Association, witnessed by the Secretary, shall pass the title to the purchaser, and be evidence thereof.

Sec. 6. Said Association shall have power to make such by-laws for their government as they may deem proper, not inconsistent with the Constitution and laws of this State.

Sec. 7. The moneys arising from the sale of lots shall be used in defraying the expenses of the Association, and in beautifying and adorning said grounds.

Sec. 8. Be it further enacted, That said lands and the property thereon, appropriated to cemetery purposes, shall never be subject to State, county or city taxation.

Sec. 9. No member of said Association shall ever sell or transfer his interest in said cemetery, without the consent of said Association; and should a corporator, from any cause, cease to be a member of said Association, his successor shall be elected and the facts must be stated on the records of said Association. There shall be a record kept of the proceedings of said Association, and the office thereof must be kept in the city of Paris. Should a corporator remove beyond the limits of Lamar county, without having disposed of his interest in said cemetery, (by the consent of said Association) the Association shall have the power to appoint his successor.

Sec. 10. A majority of said Association shall constitute a quorum to do business.

Sec. 11. Said Association shall have the right of action against any person or persons who may commit a trespass upon the said grounds or property, or desecrate any grave, or injure, or deface any slab, tombstone, or monument, on, around, or over any grave thereon.

Sec. 12. The purpose of the Legislature, in this Act, being to dedicate the lands, authorized to be held by said Association, for burial purposes, it is enacted that said lands, so authorized to be held by said Association, and the lots thereof hereby authorized to be sold, shall be forever exempt from forced sale, levy, or execution.

Sec. 13. The purchaser of a lot or lots from said Association shall, in no case, sell, assign, or transfer, the same, without the consent of the Association.

Sec. 14. This Act takes effect from and after its passage.
Approved September 25, 1866.

CHAPTER XIX.

An Act to incorporate the Board of Trustees of Baylor Female College, and to regulate the mode of their elections.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Trustees of Baylor Female College (by and with the consent of the Board of Trustees of Baylor University,) are hereby incorporated a body corporate and politic, and as such, authorized to hold lands, buildings, apparatus, library, and endowments; funds to the value of five hundred thousand dollars, may sue and be sued, plead and be impleaded, receive and dispose of, and alienate lands, or any other property by them acquired by devise, donation, or purchase, and to do all other acts performed by the trustees of similar institutions, not repugnant to the statutes or Constitution of this State, nor in contravention of the Constitution and laws of the United States.

Sec. 2. That the Board of Trustees of Baylor Female College may confer any degree in the arts and sciences, authorized to be conferred by any similar institution, within this State or United States.

Sec. 3. That the Baptist State Convention of Texas shall maintain supervisory power over Baylor Female College, and its session held after the passage of this Act, appoint fifteen citizens of this State, who shall act as its trustees, five of whom shall go out of office annually, who may be re-elected, or their places supplied by the Baptist State Convention of Texas, abovenamed, provided, that the Trustees of Baylor University shall hold jurisdiction over Baylor Female College until trustees shall be appointed by the said Baptist State Convention of Texas, which trustees shall hold office until their successors are appointed by the provisions of this Act.

Sec. 4. That this Act shall take effect and be in force from and after its passage.

Approved September 25, 1866.

CHAPTER XX.

An Act to incorporate the town of Georgetown, in Williamson County.

Section 1. Be it enacted by the Legislature of the State of Texas, That the citizens of the town of Georgetown, in Williamson county, within the following limits, to-wit: Beginning at the south-east corner of Glasscock's addition to said town, thence north to the north side of Rolling street, thence west to the east side of Main street, thence north to the north boundary line of the original plot of said town, thence westward with said north boundary line, and southward with the west boundary line of the same to the south-west corner of the same, thence south to the south-west corner of Glasscock & Huling's addition to said town, thence east to the place of beginning, be, and they are hereby declared a body politic and corporate, under the name and style of the Corporation of the town of Georgetown, and that by that name shall have power to sue and be sued, plead and be impleaded, and to hold and dispose of real and personal property: provided, such real property is situated within the limits of said corporation.

Sec. 2. That it shall be the duty of the citizens of said corporation to elect a Mayor, five Aldermen, a Collector, and a Constable; and a Treasurer and Secretary shall be selected by said Aldermen from their own body; the Treasurer and Collector shall be required to give bond, with security, to be approved by the presiding officer, for the faithful performance of their duties, and to make reports, when required by the Mayor and Board of Aldermen, and the Mayor shall have power, when necessary, to suppress riots and disturbances, to call out the citizens of said corporation for the purpose of restoring order. And the Collector to act as Assessor, if so required by the Board of Aldermen.

Sec. 3. That the first election shall be held under the (direction of the) County Judge of said county, after having given ten days notice thereof; and annually thereafter, under the direction of the Mayor, after at least ten days notice before said election; and in case of death, or resignation, the vacancy or vacancies shall be filled by men elected as ordered by the Mayor; and in case the office of Mayor shall be vacant, then the Aldermen shall elect one of their own body, to act as Mayor, until the next annual election.

Sec. 4. That no person shall be eligible to any office under

the provisions of this charter who is not a citizen of this State, and a resident within the limits of this corporation, nor shall any person have a right to vote for officers who is not a citizen, and resident within said corporation limits.

Sec. 5. That the Mayor and Board of Aldermen of said corporation shall have power to pass such rules and ordinances as may be necessary for the regulation of the police and the preservation of order within the corporate limits, to levy taxes for the removal of nuisances, and keeping the streets in good order, and to prescribe penalties for the violation of the ordinances and by-laws of the corporation; provided, that in no case such penalties should exceed one hundred dollars.

Sec. 6. That the Mayor, with a majority of said Aldermen, shall constitute a quorum for the transaction of business, and shall enact and enforce such rules and regulations as they may deem necessary for the government of said corporation; provided, that the same do not conflict with the Constitution and laws of this State.

Sec. 7. And that this Act take effect and be in force from and after its passage.

Approved September 26, 1866.

CHAPTER XXI.

An Act to amend the 15th and 16th sections of "An Act to consolidate in one act and amend the several acts incorporating the town of Rusk, in Cherokee County," approved January, 19th, 1858.

Section 1. Be it enacted by the Legislature of the State of Texas, That the 15th section of "An Act to consolidate in one Act and amend the several Acts incorporating the Town of Rusk, in Cherokee county," approved January 19, 1858, be so amended as to read as follows:

Section 15. That the Board of Aldermen shall have the power to levy and provide for the collection of an ad valorem tax, not to exceed one half of one per cent. on all property situated in said corporation, taxable by the general laws of the State; also, an annual income tax on gross profits, and sales made in said corporation, not to exceed one-fourth of one per cent; also, an annual occupation tax, not to exceed ten dollars on each and every occupation followed and carried on in said corporation; and also an annual poll tax of one dollar on each and every male in-

habitant of said corporation, over the age of twenty-one years and under fifty-five years, which said taxes shall be collected in such manner as may be provided in the By-Laws of said corporation; Provided, that said taxes shall be expended solely on the streets and roads and public improvements of said town, and shall require a vote of two-thirds of the members of the Board to levy said taxes, and that the same shall be done at a regular meeting of the Board; and provided further, that all taxes for the purpose of paving the sidewalks of the Public Square of said town, shall be paid by the owners of the property which may front on the square.

Sec. 2. That section 16 of the above recited Act be so amended as to read as follows:

Section 16. That the Board of Aldermen shall have the power to license, tax and regulate hawkers, pedlars, auctions, theatrical and other exhibitions, shows and amusements, billiard tables, nine and ten-pin alleys, groceries, tippling houses, dram shops, and to determine the amount of tax on the same, and to suppress gaming and gambling houses, by whatever name or description known, and all disorderly houses, and to impose such other license as in their discretion may be necessary and for the good of the citizens of said corporation, not inconsistent with the Constitution and laws of the State, and that this Act take effect and be in force from and after its passage.

Approved September 26, 1866.

CHAPTER XXII.

An Act to incorporate the Brazos Bridge Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That Thomas B. Stephenson, of the county of Austin, and such other persons as he may associate with him, and his or their successors, are hereby constituted and declared to be a body corporate and politic, under the name and style of the "Brazos Bridge Company."

Sec. 2. That the said Thomas B. Stephenson, his associates and successors, under the name and style aforesaid, may sue and be sued, plead and be impleaded, defend and be defended, in all courts of the State of Texas, and may have a common seal. and may alter it at pleasure.

Sec. 3. That the said company, under the name and style

aforesaid, shall be, and it is hereby authorized, to construct a bridge across the Brazos River, at such point as may be deemed the most eligible, or at or near the present ferry of the said Stephenson in Austin county; and to purchase and hold property, real and personal or mixed, to any amount necessary for the construction and maintenance of said Bridge; and to do all other works, and perform all other acts that may be necessary for that purpose, not contrary to the Constitution and laws of this State.

Sec. 4. That said Bridge shall be completed within three years from and after the passage of this Act, otherwise this charter shall be void.

Sec. 5. That the said company may charge tolls, which shall not exceed the following rates:

For a loaded wagon, and 4 to 6 yoke of oxen.....	\$1 00
For an unloaded wagon, and 4 to 6 yoke of oxen.....	75
For a loaded wagon, and 3 yoke of oxen.....	75
For an empty wagon, and 3 yoke of oxen.....	50
For a loaded wagon, with two or less yoke of oxen....	50
If unloaded	25
For carts, loaded or empty.....	50
For a four-horse coach, wagon or other vehicle.....	50
For a two-horse carriage, wagon or other vehicle.....	50
For double buggy.....	50
For single buggy.....	30
For horses, mules or cattle, per head.....	03
For single horse and rider.....	10
For sheep, goats and hogs, per head.....	01
For footmen	05

And for other things, not herein enumerated, rates proportioned to those herein specified.

Sec. 6. That the said company be, and it is hereby required to keep said bridge and its abutments in good repair, and to keep in constant attendance, at the toll gate of the same, a sufficient number of persons to admit persons and property to cross at any time by day or night.

Sec. 7. That the privileges granted in this charter shall cease and determine at the expiration of twenty-five years from and after the date of the passage of this Act.

Sec. 8. That the County Court of Austin County may, at any time after the construction of said bridge, have the privilege of paying the fair valuation of the same to the corporation, and take the ownership and control of it; which, if the same cannot be agreed upon between the court and the corporation, shall be

decided by two disinterested persons—one to be chosen by the corporation, and the other by the County Court.

Sec. 9. That this Act shall take effect and be in force from and after its passage.

Approved September 26, 1866.

CHAPTER XXIII.

An Act to incorporate the Hempstead Concordia Manufacturing Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That W. Ahrenback, D. Ahrenback, W. E. Crump, T. B. Wood, and L. Springfield and their associates and successors be, and they are hereby created a body corporate and politic, by the name of the "Hempstead Concordia Manufacturing Company," with power to sue and be sued, plead and be impleaded, and to acquire, hold and convey personal property, and such real estate as may be necessary to carry out the purposes of the corporation; to have succession, and a common seal, and to do such other things as may be necessary to carry into effect the object of this act.

Sec. 2. Said company is hereby invested with the right, power and authority. to erect, own, establish, maintain and operate a cotton and woolen manufactory, at or near the town of Hempstead in Austin County, with a capital stock of two hundred thousand dollars, which may be invested in the purchase of lands, buildings, mills, looms, spindles and such other machinery and fixtures, as are proper and necessary for the business aforesaid, with the right to erect such buildings, and establish and operate such mills and shops, as they may deem proper, and to invest so much of said capital stock in cotton and wool, and other goods as to them may seem expedient.

Sec. 3. The capital stock of said company shall consist of the money, lands, tenements, mills, and other property, real, personal or mixed, which may be held or owned by said company, and shall be divided into shares of one thousand dollars each, and the holders of such shares shall constitute said company.

Sec. 4. That the business of said company shall be conducted by a Board of Directors, to consist of not less than three nor more than five, who shall be chosen by the stockholders, at the time of their organization under this act. and annually

thereafter, and in case of failure to elect at a stated time, they shall hold over until there shall be an election, the time for which shall be fixed by the board, of which reasonable notice shall be given, and no person shall be elected a director unless he is the owner of at least five shares of the capital stock of the company. Each share of capital stock shall entitle the holder thereof to one vote. A majority of said directors shall constitute a quorum to transact business, and they may fill vacancies that happen in their number.

Sec. 5. The corporators herein named shall constitute the first board of directors, and shall proceed to organize said company so soon as the sum of fifty thousand dollars shall have been subscribed to the capital stock, and they may enact such by-laws for the government of the company as they may deem proper in conformity with the Constitution and laws of the State.

Sec. 6. Said company shall be entitled to the benefits of any bonus, loan or other grant, that may be given or made by general law, to companies or individuals who engage in the manufacture of similar goods within the State.

Sec. 7. The Board of Directors shall elect one of their number to be President of said company, they may also elect a Secretary, and such other officers and agents as they may think proper, and require of them bonds with security for the faithful performance of their duties.

Sec. 8. No transfer of stock shall be binding upon the company, until the Secretary shall have been notified thereof, and an entry of the transfer made upon the books of the company. Said company shall have one year to commence manufacturing.

Sec. 9. This act shall take effect and be in force from and after its passage, and remain in force for the term of twenty-five years.

Approved September 26, 1866.

CHAPTER XXIV.

An Act to incorporate the San Antonio Mechanics' and Laborers' Association.

Sec. 1. Be it enacted by the Legislature of the State of Texas, That the officers and members of the San Antonio Mechanics' and Laborers' Association, as now organized, be, and they are hereby constituted a body corporate and politic, under

the name and style of "The San Antonio Mechanics' and Workmen Association," and by that name they and their successors and associates shall be capable in law of suing and being sued, of holding property, real, personal, and mixed, of making contracts, and they shall have all the ordinary privileges of a corporation, of doing and performing whatever may be proper and necessary to carry out the designs of the Association, to promote the material welfare and mental improvement of the working classes.

Sec. 2. That the officers and members of said Association may enact such by-laws for their government as they may from time to time deem necessary and proper, not inconsistent with the Constitution and laws of the State; and that this Act take effect from and after its passage, and shall continue in force for twenty-five years.

Approved September 26, 1866.

CHAPTER XXV.

An Act to incorporate the town of Denton, in Denton County.

Section 1. Be it enacted by the Legislature of the State of Texas, That the citizens of the town of Denton, in Denton county, be, and they are hereby declared a body politic and corporate, under the name and style of the Corporation of the town of Denton, and by that name shall have power to sue and be sued, plead and be impleaded, and to hold and dispose of property real and personal; provided, such real property is situated within the limits of said corporation.

Sec. 2. That it shall be the duty of the citizens of said corporation, to elect a Mayor, five Aldermen and a Constable, who shall also be ex-officio Assessor and Collector of taxes; and a Treasurer and Secretary shall be selected by said Aldermen from their own body; the Treasurer and Assessor and Collector of taxes, shall be required to give bond with security, to be approved by the presiding officer, for the faithful performance of their duties, and to make reports when required by the Mayor or Board of Aldermen; and the Mayor shall have power, when necessary to suppress riots and disturbances, to call out the citizens of said corporation, for the purpose of restoring order.

Sec. 3. That the first election shall be held under the orders of the County Judge of Denton county, after he shall have

given ten days notice thereof, on the first Monday in December, 1866, and annually thereafter, under the direction of the Mayor, giving at least ten days notice before his term of office shall expire. In case of vacancy, a special election shall be held to fill such vacancy or vacancies, under the direction of the Mayor, but if there be no Mayor, then such election shall be held by order of the Board of Aldermen.

Sec. 4. That no person shall be eligible to any office under the provisions of this Charter, who is not a citizen of this State, and shall have been a resident within the limits of said Corporation, at least four months prior to his election; nor shall any person have a right to vote for officers, who has not been a citizen and resident within said corporate limits, at least four months next preceding the day of said election.

Sec. 5. That the Mayor and Board of Aldermen of said Corporation, shall have power to pass such rules and regulations and ordinances, as may be necessary for the regulation of the Police, and the preservation of order within the corporate limits, to levy taxes, for the removal of nuisances, and keeping the streets in good order, for building a market house, and for any and all other purposes; to improve and ornament public property within said corporate limits; and they shall have power to prescribe penalties for the violation of the ordinances of the corporation; provided, no tax shall ever be levied exceeding one-half the State tax allowed by law; and provided further, that they shall in no case prescribe penalties to exceed one hundred dollars, or imprisonment for more than twenty-four hours.

Sec. 6. That the limits of said Corporation shall extend one half mile in every direction from the centre of the public square, in said town of Denton.

Sec. 7. That the citizens residing within said corporate limits shall be exempt from road duty, except such as may be imposed on them by the Mayor and Board of Aldermen.

Sec. 8. That the Mayor, with a majority of the Board of Aldermen, shall constitute a quorum for the transaction of business.

Sec. 9. That this Act take effect and be in force from and after its passage.

Approved September 26, 1866.

CHAPTER XXVI.

An Act to amend an Act to incorporate the Town of Clarksville, in Red River County, approved January 31st, 1852.

Section 1. Be it enacted by the Legislature of the State of Texas, That Section 2, of the above recited Act, be so amended as to read as follows:

Sec. 2. That the corporate limits of said town shall be as follows: Commencing at a point eight hundred yards due west from the Court House, thence north eight hundred yards, thence east sixteen hundred yards, thence south sixteen hundred yards, thence west sixteen hundred yards, thence north eight hundred yards, to the place of beginning.

Sec. 2. That this Act take effect from and after its passage.

Approved September 27, 1866.

CHAPTER XXVII.

An Act to incorporate the Houston and Galveston Wharf and Press Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That J. S. Sellers, J. T. Brady, J. J. Hendley, A. J. Walker, W. H. Sellers, J. L. Darragh, E. B. Nichols, Wm. H. Goddard, J. L. Sleight, Wm. Hundley, H. de St. Cyr, R. K. Hartley, T. W. Pierce, J. P. Cole, Gustave Kauger, James Herritt, J. M. Swisher, W. L. Mann, M. McMorris, C. H. Jordan, F. Lafond, J. Focke, J. W. Jockush, James A. McKee, Wm. Brady, and their associates, be, and they are hereby constituted a body corporate and politic, with succession, under the name and style of "The Houston and Galveston Wharf and Press Company," and as such, by that name shall be capable of contracting and being contracted with, suing and being sued, in all matters whatsoever growing out of the business of said Company, and the said Wharf and Press, and office of said Company, shall be located and established in the city of Galveston. That said Company may purchase and hold real, personal and mixed property, for the purposes of their business, and dispose of the same for the benefit of said Company; and may have and use a cor-

porate seal, and change and renew the same at pleasure, and the shares of stock of said Company shall be personal property.

Sec. 2. That said Company shall have all the rights, powers and privileges appropriated to a Wharf and Press Company, and necessary to the successful building and operation of the same.

Sec. 3. That the affairs of said Company shall be under the control and management of a Board of seven Directors, each of whom shall be the owner of stock in said Company to the value of one thousand dollars; a majority of said Directors shall form a quorum for the transaction of business, and they shall be elected by a majority of all the stockholders, after the passage of this Act, and regularly thereafter, at their annual meeting on the first Monday in April, in each and every year, by a majority of the stockholders present. Vacancies occurring in said Board, by death, resignation or otherwise, may be temporarily filled by the remaining members thereof, until the next annual election shall take place. Should there be a failure to elect the Directors at any of the times prescribed by this Act, the Corporation shall not be dissolved for that cause, but the Board of Directors for the time being, shall continue in office until such election shall take place, and it shall be the duty of said Board to call a meeting of the stockholders for that purpose, at the earliest practicable and convenient period.

Sec. 4. Each stockholder, in all elections and upon all questions occurring in a meeting of stockholders, shall be entitled to one vote for every share of stock he may hold in said Company, and may vote in person or by his proxy. To form a quorum to transact business, a majority of all the stock must be present, or represented at the meeting.

Sec. 5. That the Board of Directors shall elect from among their own number, a President of the Company, whose signature with the seal of the Company, shall be binding upon it in all transactions with other parties, and the service of any writ, notice or other process of law, made upon the acting President, or if there be no acting President, then upon any member of said Board, shall be deemed a sufficient service upon said Company. The said President and Directors shall have authority to adopt all such rules, regulations and by-laws, not in contravention of the Constitution and laws of the State, and to appoint all such subordinate officers, as they may consider necessary for the proper management of the affairs of the Company.

Sec. 6. That nothing in this Act contained, shall be so construed as to confer banking privileges upon said Company, and

that the same take effect from and after its passage, and shall remain in force for twenty-five years.

Approved September 27, 1866.

CHAPTER XXVIII.

An Act to authorize and permit George W. Glasscock to sue the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That George W. Glasscock be and he is hereby authorized and permitted to sue the State of Texas, in the District Court of the county of Travis, on a claim alleged to be due and owing to him, the said George W. Glasscock, from the State of Texas, for extra money laid out and expended, and extra work and labor done by and for the late firm of Glasscock & Millican, on the Lunatic Asylum, over and above what was required by their written contract, dated the — day of August, 1858, and for which payment has been made.

Sec. 2. That said suit shall be against the State of Texas, and all writs, process, &c., necessary to make parties, shall be served on the Governor of the State of Texas.

Sec. 3. That it shall be the duty of the Attorney-General to represent the State, and defend said suit, and that this Act take effect and be in force from and after its passage.

Approved September 27, 1866.

CHAPTER XXIX.

An Act authorizing the Board of Trustees of Baylor University to divide the Trustees into equal classes, and regulating the mode of their election.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Baptist State Convention of Texas may divide the present Board of Trustees of Baylor University into three equal classes, one of which shall go out of office annually, subject to re-election, or their places to be supplied by said Convention, or its Board of Directors, and provided, that said Board of Trustees shall continue in office until their successors are ap-

pointed, any thing in the act of incorporation, or any previous act, to the contrary notwithstanding.

Sec. 2. This Act shall take effect from and after its passage.

Approved September 29, 1866.

CHAPTER XXX.

An Act to authorize the Mayor and Common Council of the town of Gonzales to levy and collect a special tax, for certain purposes.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Town Council of the town of Gonzales shall have power to levy and collect, annually, a tax on all property, both real and personal, within the limits of said corporation; provided, that the rates so levied and collected shall not exceed that levied and collected by the State; and provided further, that the revenue so collected, shall be used solely for the police regulations of the said town, and for the cleaning and improvement of the streets, sidewalks, bridges, and public grounds of the said town.

Sec. 2. That the said Council shall have power to levy and collect a license tax upon all occupations within the corporate limits of said town.

Sec. 3. That this Act shall take effect from and after its passage.

Approved September 29, 1866. .

CHAPTER XXXI.

An Act to incorporate the Rio Grande Railroad Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That Mifflin Kennedy, J. B. Thomas, Richard King, Edward Downey, F. J. Parker, R. B. Kingsbury, Stephen Powers, Franklin Cummings, their associates and successors, or a majority of them, be and they are hereby created a body corporate and politic, under the name and title of the "Rio Grande Railroad Company," with authority, and they are hereby invested with the right to locate and construct, own, and maintain, a railroad

from Brazos de Santiago, or Point Isabel, to Brownsville, in Cameron county, with the right to extend said road, and make branches thereof, to any place on the Rio Grande, or other interior points in the valley of the same, not higher up than Laredo, on said river.

Sec. 2. Said company, in its corporate name, shall have the right to sue and be sued, plead and be impleaded, to grant, receive, and to hold property, both real and personal, to make contracts, and have succession; and said company, when it shall have in actual running order, so much of said road as shall connect Brazos harbor with Brownsville, shall, on certificate of that fact from the Governor, receive from the Commissioner of the General Land Office of the State of Texas, who is hereby authorized to issue the same, certificates for sixteen sections of land for each lineal mile of road so completed; and said company shall have the right to a common seal, and may make and alter their own by-laws, which laws shall prescribe the number and mode of election of their officers, the manner of creating and disposing of shares of stock in said company, and of forfeiting the same for nonpayment, or other sufficient cause, and generally all other matters and things necessary or appertaining to the interests of said company, which may legally be prescribed or done, under the Constitution and laws of the State.

Sec. 3. The capital stock of said company to consist of all its property, real and personal, and rights to property, shall be divided into shares of one hundred dollars each, which shall be deemed personal estate, and subject to the laws relating thereto.

Sec. 4. Said company shall have the right of entry into, and may take possession of, any and all lands necessary to the establishment of said road, not exceeding fifty yards in width, by paying the owner thereof the price agreed upon, and if no agreement can be made, or the owner or owners be absent or unknown, the said company may institute proceedings before a competent tribunal, to be determined by arbitration, as to parties present, and by publication, according to the law of citation. by publication as to parties absent or unknown, describing the lands required, whereupon the Judge of such tribunal shall call a jury of twelve freeholders, who shall, on oath, assess the value of the land, and upon the payment of the same by the company to the treasurer of the county where the land lies, subject to the order of the owner, said Judge shall execute a bona fide title to the land to said company, which shall be recorded as other titles.

Sec. 5. Said company shall commence said road within one year from the passage of this act, and shall complete the same

within five years thereafter, as far as Brownsville, otherwise this act to be null and void, and the charter forfeited.

Sec. 6. In case said company shall commence said railroad at Point Isabel, and shall at any time afterwards desire to make its initial point on the island of Brazos de Santiago, it is hereby authorized and empowered so to do, and to that end, the right is granted it to any land, in tide water, below high water mark, that may be found necessary for the track of said road into and across and salt water lying between said island and the main land, and for the construction of any docks or wharves that may be convenient for the storage and transfer of freights transmitted to or from said road, and shall have the right of owning and running such number of steam-tugs and lighters as shall be found convenient to conduct the business of said company, and of charging therefor the rates and prices usual for such service.

Sec. 7. This act shall continue in force for ninety years, and take effect from and after its passage.

Passed October 1, 1866.

CHAPTER XXXII.

An Act to incorporate the Town of Cameron, in Milam County.

Section 1. Be it enacted by the Legislature of the State of Texas, That the citizens of the Town of Cameron, in Milam county, be, and they are hereby declared a body corporate and politic, and under the style of the "Town of Cameron," may sue and be sued, in all courts and suits whatever, and may purchase, hold and convey any real or personal estate within the limits of said town, and may have a corporate seal.

Sec. 2. The corporate limits of said town shall be as follows: Beginning at a point eight hundred and eighty yards west of the Court house, in said town; thence north eight hundred and eighty yards; thence east one thousand seven hundred and sixty yards; thence south one thousand seven hundred and sixty yards; thence west one thousand seven hundred and sixty yards; thence north eight hundred and eighty yards to the beginning.

Sec. 3. That all persons who are qualified voters, under the Constitution of the State, and who have been citizens of said town six months next preceding an election, shall be authorized to vote in elections held in said corporation.

Sec. 4. That the qualified electors of said corporation shall

elect a Mayor and five Aldermen, on the first Monday in November, 1866, and every two years thereafter, who shall hold their offices for the term of two years and until their successors shall be elected and qualified.

Sec. 5. That there shall be a Constable, Treasurer, Recorder and Attorney of said corporation, who shall hold their offices for the term of one year, and until their successors shall be appointed and qualified; said officers shall be appointed at a regular meeting of the Board of Aldermen, by a vote of two-thirds of the Aldermen present; said appointments shall be made as soon as practicable after the Aldermen shall have received their certificates of election; and as soon as practicable, after any vacancies from resignation, death, expiration of term of office or other cause, may occur.

Sec. 6. That at all elections held, under this Act, the Board of Aldermen shall appoint judges of said elections, who shall take an oath to faithfully and impartially discharge their duties; they shall open the polls, at 10 o'clock, A. M., and close the same at 4 o'clock, P. M., on the day of election, and shall, within twenty-four hours thereafter, make returns of said election to the Mayor, or in case of his absence or inability to act, or of a vacancy in his office, then the Recorder and Board of Aldermen shall open such returns, and determine the result of the election, and immediately issue certificates therefor to the persons elected.

Sec. 7. That whenever an election for Mayor shall be contested, the Board of Aldermen shall determine such contest.

Sec. 8. That in case of vacancy in the office of Mayor, the Board of Aldermen shall order an election to fill such vacancy, for the unexpired term; such election shall be held as provided in this Act, for regular elections; and in case of vacancy in the office of Alderman, such vacancy shall be filled at a regular meeting of the Board of Aldermen, by a vote of two-thirds of the Aldermen present, and the person so appointed shall hold his office for the unexpired term.

Sec. 9. In case of the temporary absence of the Mayor, the Board of Aldermen shall have the power to appoint one of their number to act as Mayor pro tem, who shall have the same powers and privileges as the Mayor elect, and such appointment shall expire on the return of the Mayor.

Sec. 10. That the Mayor, when present, shall preside over the Board of Aldermen, and in case of a tie in the vote of the Board, shall give the casting vote; provided, that three of the Aldermen, either with or without the Mayor, shall constitute a quorum to transact business.

Sec. 11. That the Mayor, in addition to his powers and jurisdiction as such, is hereby vested with all the powers and jurisdiction, civil and criminal, within the limits of said corporation, which may be by law exercised by Justices of the Peace, under the laws of this State; and he shall be entitled to have and receive such fees as are or may be, by law, allowed to Justices of the Peace, for similar services.

Sec. 12. The Mayor, Constable, Recorder, Treasurer and Attorney of said corporation may be removed from office for any neglect of duty, misdemeanor or malfeasance in office, by a vote of two-thirds of the Aldermen, at a regular meeting of the Board.

Sec. 13. That the Mayor and Board of Aldermen shall have the power to enact such By-Laws and Ordinances, for the government of said corporations, and for the quiet, peace, good order and happiness of the citizens of the same, not inconsistent with the Constitution and laws of the State, as may be deemed proper; and may impose fines and penalties for the violation of the same, not to exceed one hundred dollars in any one case.

Sec. 14. That the Mayor and Board of Aldermen shall have and exercise control over the Public Square, streets and roads within said corporation, and may compel all male persons, within said corporation, over the age of 18 years, and under 45 years, who are not by law exempt from road duty, to work upon the same; Provided, that such persons shall not be required to work more than ten days in any one year, and shall be exempt from all other road duty in said county; and the Board of Aldermen may impose such fine for failure to work when required, as they may deem necessary.

Sec. 15. That the Board of Aldermen shall have power to levy and provide for the collection of an ad valorem tax on property situate in said corporation, taxable by the general law of the State; and also the power to levy and collect a poll tax of one dollar each on all male persons of said corporation over the age of twenty-one years and under fifty-five years, which tax shall be collected in such manner as may be provided by the By-Laws of said corporation; Provided said ad valorem tax shall not exceed one-half of one per centum on the value of the property taxed, and that it shall require the vote of two-thirds of the members of the Board of Aldermen to levy such tax, and the same shall be done at a regular meeting of the Board.

Sec. 16. That the Board of Aldermen shall have the power to license, tax and regulate hawkers, pedlars, auctions, theatrical and other exhibitions, shows and amusements, billiard tables,

nine or ten pin alleys, groceries, tippling houses, dram shops, and to determine the amount of tax upon the same, and to suppress gaming or gambling houses, by whatever description known, and all disorderly houses.

Sec. 17. That all officers of said corporation shall, before entering upon the duties of their office, take and subscribe the oath prescribed by the Constitution; and the Mayor, Constable and Treasurer shall also enter into a bond, with two good securities, to be approved by the Board of Aldermen, for the faithful performance of their duties, payable to said corporation, in such sum as the Board of Aldermen shall require, which bond shall not be void on first recovery.

Sec. 18. That the Constable, in addition to his powers and privileges as such, be and he is hereby vested with all the powers and privileges which are or may be, by law, exercised by the Constable of the beat in which said corporation is situate; and for all services which may be rendered by him, he shall have the same fees which are, or may be, by law, allowed to Constables of the beat for similar services.

Sec. 19. That the fees of the Aldermen shall not be more than two dollars each, for each and every regular meeting of the Board at which they may be in attendance, provided they shall not be entitled to charge for more than twelve meetings in any one year; that the fees of the Recorder shall not be more than two dollars for each and every meeting of the Board at which he may be in attendance. The fees of the Treasurer shall not be more than five per centum upon all monies received and paid out by him. The Corporation Attorney shall be entitled to have and receive a tax fee of two dollars and fifty cents on each and every conviction, under this Act, and the By-Laws of said corporation, which fee the Mayor shall include in the tax in the bill of costs on said conviction; Provided, that when any person shall have committed any offence against the law of said Corporation, and shall plead guilty of same, said fee shall not be allowed and taxed, and the Board of Aldermen shall have the power to regulate the compensation of the officers of said Corporation, not definitely fixed and provided for in this Act.

Sec. 20. That in all prosecutions, trials and proceedings under this Act and the By-Laws of said Corporation, the Mayor shall have the power to call a jury, in like manner as Justices of the Peace, under the general laws of the State. And the Mayor and Constable shall be governed by the laws regulating proceedings in Justices' Courts, in force at the time of said prosecutions,

trials and proceedings, and shall be entitled to the same fees as Justices of the Peace and Constables for similar services.

Sec. 21. The first election for corporate officers, as provided for in the 4th section of this Act, shall be ordered by the County Judge of Milam County, and should said Corporation fail to elect officers, at the proper time, or at any time, there should be no acting officers for said corporation, the same shall not be dissolved by reason thereof, but it shall be the duty of the County Judge of said county, on the petition of any ten residents of said Corporation, to order an election for Mayor and Aldermen of the same, said elections to be held as elections for Justices of the Peace. The certificates of election shall be given by the County Judge to the persons elected, and the oath of office administered by him at any time after the votes are counted out.

Sec. 22. That an act entitled "An Act to incorporate the Town of Cameron, in Milam County," approved January 14th, 1856, be and the same is hereby repealed.

Sec. 23. That this Act take effect and be in force from and after its passage.

Approved October 1, 1866.

CHAPTER XXXIII.

An Act to transfer Jurisdiction of the Estate of Thomas J. Chambers from the Courts of the County of Chambers to the Courts of the County of Galveston.

Section 1. Be it enacted by the Legislature of the State of Texas, That the power and jurisdiction to transact the business appertaining to the estate of Thomas J. Chambers, be, and the same is hereby transferred from the County Court of the county of Chambers to the County Court of the county of Galveston; Provided, That all papers relating to the said estate shall be transferred, together with administration, to the County Court of Galveston county, a certified copy thereof being retained by the County Court of Chambers county.

Sec. 2. That all actions and suits (except for lands lying in other counties) which may be hereinafter instituted against the representative of said T. J. Chambers, shall be commenced and prosecuted in the Courts of, and for the said County of Galveston, having jurisdiction of like causes.

Sec. 3. That this Act shall take effect and be in force from and after its passage.

Approved October 1, 1866.

CHAPTER XXXIV.

An Act to incorporate the Guadalupe Water Company, for the purposes of Irrigation, Navigation and Manufacturing.

Section 1. Be it enacted by the Legislature of the State of Texas, That John Ireland, W. P. Ewing, H. E. McCulloch, George F. Moore, A. W. Dibrell, A. H. Rhodes, Wm. Saffold, G. B. Hollamon, W. D. Parish, Wm. Brady, J. M. Wilson, W. E. Goodrich and E. Notte, be and they are hereby appointed commissioners to open books, and receive subscriptions to the capital stock of a corporation to be styled "the Guadalupe Irrigation, Navigation and Manufacturing Company." A majority or said commissioners shall constitute a quorum to do business, and shall meet in the town of Seguin, on the 1st Monday in October, 1866, or as soon thereafter as a majority thereof may agree upon; and they may appoint one or more of their own body to open books at such places as they may direct, to receive subscriptions for the stock of said company; and the said commissioners shall hold metings from time to time, as their business may require. In receiving subscriptions of said stock, they shall require five per centum thereof to be paid at the time of subscribing to one of their own number appointed by them, and any subscription to said stock upon which said five per centum is not paid shall be void, and the party receiving the same on the part of the company shall be responsible to it for said five per centum upon said stock. Provided, that certificates of said stock shall not be assignable until after the organization of said company.

Sec. 2. That the subscribers to said capital stock, whenever they shall have selected Directors in the manner hereinafter provided, shall be, and they are hereby created and established a body corporate and politic, under the name and style of "the Guadalupe Irrigation, Navigation and Manufacturing Company," with capacity in said corporate name, to sue and be sued, to plead and be impleaded, to have succesison and a common seal, to make contracts, to grant and receive, to make by-laws for its government and the regulation of its affairs, and generally to do

and perform all such acts and things as may be necessary and proper for, or incident to, the fulfillment of its obligations, or the maintenance of its rights under this act, and consistent with the Constitution and laws of this State and of the United States.

Sec. 3. The capital stock of said company shall not exceed one million of dollars, to be divided into shares of one hundred dollars each, each share entitling the owner thereof to one vote either in person or by proxy, in all elections and in other matters where the stockholders shall be called upon to vote; and a majority of the votes shall govern in all cases where it is not otherwise provided by the laws of this State, by this charter, or by the by-laws of said company; and the said shares shall be transferable only on the books of the company in such manner as may be provided by the by-laws.

Sec. 4. That the immediate direction and control of the affairs of said corporation shall be vested in a board of not less than five nor more than nine Directors, as may be provided from time to time by the by-laws of the company. Said Directors shall be chosen by the stockholders at their annual meetings, which shall be held on the first Monday in October of each year; they shall choose one of their own body to be President of said company; shall fill vacancies in their Board occasioned by death or resignation; appoint a Secretary, Treasurer and such other officers as they may think proper, and require bonds for the faithful performance of their duties; make all needful rules and regulations for holding meetings, and doing all other things they may deem proper for carrying out the provisions of this charter, and the business of the company. They shall keep, or cause to be kept, accurate books of account exhibiting the receipts and expenditures of the company. A majority of the Directors shall constitute a quorum to do business, and shall have the power of a full Board; and all conveyances and contracts in writing signed by the President and countersigned by the Secretary, or any other officer duly authorized by the Board of Directors, under the seal of the company, where the same is in execution of an order of said Board, shall be binding and valid.

Sec. 5. That so soon as one hundred thousand dollars of the capital stock of said company shall be subscribed, and five per centum thereof paid to the commissioners, they shall cause the first election to be held for Directors, first giving notice of the time and place of such election by publication in some newspaper published in the town of Seguin, and in the city of Houston; and when said Directors, so elected, shall have organized, the

said commissioners shall pay over to the Treasurer of the company all the monies they have received upon subscriptions to the stock of the company, and deliver to said Directors all the books and papers belonging to the company.

Sec. 6. Said company, when it shall be organized under the provisions of the preceding sections of this act, shall be, and it is hereby invested with the right of locating, constructing, owning and maintaining an irrigating canal, commencing at any point, or points, on the Guadalupe river, between the town of Seguin, in Guadalupe county, and below the present corporate limits of the town of New Braunfels, so as not to obstruct nor impede the natural flow of the water of (the) Guadalupe river within said corporate limits without first obtaining the consent of said corporation; and the said "Guadalupe Irrigation, Navigation and Manufacturing Company," may proceed to survey the route of said canal, or any part thereof, and to locate the same, and to enter into contracts for its construction, all contracts being made by authority of an order of the Board of Directors entered upon their record of proceedings. And the said company shall have power to construct such dam, or dams, and flumes across the said Guadalupe river as the said company may deem necessary for the purposes of irrigation, and the said company may receive such lands as stock as can be brought under irrigation, or so much thereof as they may choose to irrigate, at such price or prices, as the company and the landholder may agree upon. And said company shall have the power to divert from the channel of said river three-fourths of all the water in said river, for the purposes of irrigation, and for motive power for machinery; and said company shall have the right to assess all irrigated lands, to keep up necessary repairs of said canal, ditches and flumes; and to establish rates of toll and tonnage upon freights and travel on said canal, and to demand and collect the same. And said company shall have power to obtain lands and other property by purchase, or otherwise, and to dispose of or sell said lands or other property; and said company shall have the right to use, sell or otherwise dispose of manufacturing privileges on said canal, and to lease or alienate such water privileges for irrigating town lots and other lands, upon such terms as the parties interested may agree upon.

Sec. 7. Said Guadalupe Irrigation, Navigation and Manufacturing Company, after its organization in pursuance of the provisions of this act, under the authority of the Board of Directors, shall have power to receive further subscriptions to the capital stock of said corporation, from time to time, until the

whole amount shall have been subscribed; but five per centum of all such subscriptions shall be paid at the time of subscribing, and the Directors shall be personally liable to said company for five per centum of all such subscriptions as they may receive without such payment; provided, however, that said company may by a vote of the majority of the votes of the stockholders, issue certificates of stock to be issued in payment of any debt contracted for the construction of said canal and branches. Any agreement in writing whereby any person becomes a subscriber to said capital stock, may be enforced against him according to its terms; and if any subscriber shall fail to pay any amount due upon shares subscribed for by him, according to the terms of his subscription, the Directors may sell at auction, after giving thirty days' notice as required in Sheriff's sales; the sale to take place in the county in which the company has its domicile, and transfer the shares of such delinquent to the purchaser; and if the proceeds of such sale shall not be sufficient to pay the amount due, with interest and charges, said delinquent shall be liable to the company for the deficiency; but if the proceeds shall exceed the amount due, with interest and charges, he shall be entitled to the excess.

Sec. 8. It shall be lawful for said company to enter upon, and purchase, or otherwise take and hold, any lands necessary for the purpose of locating, constructing and maintaining said canal and branches; and if they shall not be able to obtain such lands by agreement with the owners thereof, they shall pay such compensation as shall be determined in the manner provided in the following section: The lands so taken for the canal-bed and its branches shall not exceed sixty yards in width.

Sec. 9. Any person, when his land has been taken as aforesaid, may apply to the county Judge of the county where the land is situated for the appointment of three freeholders, and said County Judge shall thereupon appoint a time and place to hear the applicant and the company, to whom shall be given reasonable notice of such time and place, and said freeholders shall, after being sworn, and having heard the parties, determine the compensation to be paid the applicant, and make return of their award to the next regular term of the County Court of said county, and said award may be confirmed, or, upon sufficient reason, it may be set aside by said court; if it be confirmed, judgment shall be rendered thereupon as in other cases; provided, nevertheless, that either party complaining of said judgment shall have the right of appeal from said judgment to the District Court; provided, further, that pending said appeal,

if said company shall deposit the amount of said judgment, in money, or shall execute and file with the County Clerk a bond with securities to be approved by the County Judge, conditioned that said company will pay such sum as shall be adjudged against said company on said appeal, then said Guadalupe Irrigation, Navigation and Manufacturing Company shall be authorized to appropriate said land, and to proceed with their work thereon.

In determining the compensation to be paid as aforesaid, the said freeholders shall be governed by the actual value of the land at the time it was taken with the injury which results to the adjoining land of the applicant, by the establishment of said canal and branches; provided, that if the party claiming the compensation before the County Judge, shall have refused to take from the company the amount awarded by the said freeholders, or a greater sum, before his application to the County Judge, and if this is proven, in that case, he shall pay the cost of the proceedings, otherwise the company shall pay the same.

Sec. 10. Said company shall have the right to cross all public highways that they find it necessary to cross, to establish and maintain said canal, branches and flumes; but they shall be required to make such bridges over all public highways, so crossed, as may be necessary for the convenient passage of the public, and to keep such bridges in good repair.

Sec. 11. The annual meetings of the stockholders of said Guadalupe Irrigation, Navigation and Manufacturing Company, shall be held at the principal office of the Company on the first Monday in October of each year, which shall be a day for the transaction of business by the stockholders; each stockholder voting as before provided; at which time the annual election of Directors shall take place. Should the stockholders owning a majority of the stock fail to meet on that day, the Directors may appoint another day for the said election, and an election on the day so appointed shall be valid. Directors elected under the provisions hereof, shall hold office until the next annual meeting, and until their successors are chosen and qualified.

Sec. 12. The said company shall commence the construction of their said canal in six months from the passage of this act, and shall complete the same in five years from its commencement, otherwise the rights and franchises herein granted shall be forever forfeited. That the point of completion of said canal shall be held to be that point at which the said three-fourths of water diverted from said river shall fail to be sufficient for the purposes of irrigation.

Sec. 13. That all laws and parts of laws, coming in conflict with this charter, are hereby repealed.

Sec. 14. That this act of incorporation shall continue in force ninety-nine years, unless sooner forfeited; and that the same take effect and be in force from and after its passage.

Approved October 1, 1866.

CHAPTER XXXV.

An Act granting to James L. Tarver the privilege of constructing a Ferry across Big Cypress.

Section 1. Be it enacted by the Legislature of the State of Texas, That the privilege is hereby granted James L. Tarver, his heirs or assigns, and he or they are hereby authorized to construct a ferry across Big Cypress, four miles east of Coffeyville, in the county of Upshur, on the direct road leading to Jefferson, in Marion county, and to causeway the creek bottom, and construct bridges across the sloughs wherever the same may be necessary, on both sides the main channel of said creek, so as to make the way passable at all times.

Sec. 2. That the bridges and improvements contemplated to be made in the preceding section shall be made and completed within six months from the date of the passage of this Act, and that the privilege hereby granted shall extend and inure to the said James L. Tarver, his heirs or assigns, for and during the space of ten years from and after the date aforesaid.

Sec. 3. That the said James L. Tarver, his heirs or assigns, shall be bound, during the term aforesaid, to keep in good order a boat or flat, sufficient at all times to transport and ferry across said Big Cypress all wagons, horses, cattle, persons and property, with safety and convenience, and to keep and maintain the banks on each side of said river, to low water mark, so as to ensure the safe embarkation and disembarkation of all persons and property ferried across said river at said ferry.

Sec. 4. That whenever said ferry, bridges and causeways shall have been examined and reported in good order and repair, by the commissioners appointed for that purpose, in the manner prescribed by this Act, the proprietor may demand and receive, from all and every person passing over said ferry, tolls, according to the following rates, viz: for footmen, five cents; single horse or mule, five cents; man and horse, ten cents; one horse

and buggy, twenty-five cents; wagon or carriage and two horses or oxen, fifty cents; wagon and four horses or oxen, seventy-five cents; and wagon and six horses or oxen, one dollar.

Sec. 5. That the County Court of Upshur county shall appoint two commissioners, on the application of the proprietor of such ferry, citizens of said county, whose duty it shall be to examine and approve said ferry, as well as the causeways and bridges on each side of the creek, authorized by this Act to be constructed and made, and report the same, whenever completed and in good order, to said County Court, at a regular quarterly meeting thereof.

Sec. 6. That the commissioners appointed under the provisions of this Act shall hold their office for the term of two years from the time of their appointment, and until successors shall have been appointed; and it shall be the duty of the said County Court to appoint commissioners biennially, to examine and report, at least twice in each and every year, the condition of the ferry, bridges and causeways herein authorized to be constructed and made by the said James L. Tarver, his heirs or assigns, for which service the said commissioners shall each receive two dollars per day, for the time they may be necessarily employed in the discharge of the duties imposed on them, to be paid by the proprietor, for the time being, of such privileged improvement.

Sec. 7. That the said James L. Tarver, his heirs or assigns, shall annually execute and deliver to the County Court of Upshur county a bond, in the same manner as required of persons licensed to keep a public ferry, by the County Court; and such proceedings may be had on any bonds so given by the said James L. Tarver, his heirs or assigns, as on bonds required by law to be given by ferrymen generally.

Sec. 8. It shall not be lawful for any person or persons to erect any toll bridge, or establish a ferry within five miles of the location of this, during the period of time allotted to the party above named, unless authorized by the Police Court of Upshur county.

Sec. 9. That this Act take effect and be in force from and after its passage.

Approved October 1, 1866.

CHAPTER XXXVI.

An Act to authorize James E. Harrison, Sr., to erect a Toll Bridge over Tehuacana Creek, in the County of McLennan, Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That James E. Harrison, Sr., be, and he is hereby authorized and empowered to erect a toll bridge over Tehuacana creek, in the county of McLennan, where the public road from Waco to Marlin, on the east side of the Brazos river, crosses the same, and that he be authorized and empowered to charge, receive and collect toll for crossing on the same, at the following rates, to wit: For man and horse, ten cents; footman, three cents; one horse vehicle, twenty cents; two horse vehicle, twenty-five cents; ox-wagon and two yoke of oxen, thirty cents; four to six yoke and wagon, fifty cents; two horse wagon, twenty-five cents; four to six horse wagon, fifty cents; loose horse, five cents; cattle, sheep, goats or hogs, per head, one cent.

Sec. 2. That the right and privilege herein granted shall inure to the said James E. Harrison, Sr., his heirs and assignees, for ten years; Provided, however, That in order to secure the privileges by this bill, he shall, within twelve months from the passage of this Act, erect and construct a good, safe and substantial bridge over the said Tehuacana creek, at the place aforesaid in the first section of this Act, and shall keep the same in good repair; and in the event of any accident or casualty destroying said bridge, the said Harrison shall reconstruct the same, within four months from the date of said accident or casualty as aforesaid, otherwise the right and privilege herein granted shall abate.

Sec. 3. That when the said bridge shall have been constructed as aforesaid, the said Harrison shall have to charge, receive and collect toll according to the rates herein set forth in section one of this Act.

Sec. 4. This Act take effect and be in force from its passage.

Approved October 1, 1866.

CHAPTER XXXVII.

An Act to incorporate the Dallas Manufacturing Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That James E. Scott, Charles H. Beacham and Thomas B. Scott, and their associates and successors, are hereby created a body corporate, under the name and style aforesaid, and by that name may have a common seal, make contracts, sue and be sued, implead and be impleaded, transfer their rights by assignment or succession, may purchase, hold or convey real and personal property, and do all acts in conducting and facilitating the interests of said Company, in like manner and as fully as a natural person could do consistent with this Charter and the laws of this State.

Sec. 2. That said Company shall have the right to erect buildings and operate machinery, in the county of Dallas, for the manufacture of flour, of cotton yarn, cotton and woolen fabrics, and such other machinery and manufactures as may be deemed desirable by said Company.

Sec. 3. That the capital stock of said Company shall not exceed three hundred thousand dollars, and shall at all times equal its actual investments, and shall be divided into shares of one hundred dollars, and that said capital stock may be increased from time to time, as expenditures are made, and that additional stock may be created by the admission of other stockholders upon such terms as the Board of Directors may at the time of application determine upon; provided, that the capital stock as above shall not at any time exceed three hundred thousand dollars.

Sec. 4. That the corporate powers of the Company shall be exercised by Directors, to be elected by the stockholders, not to be less in number than three, nor more than five, each of whom must own at least ten shares of the capital stock, a majority of whom, shall constitute a quorum to do business, shall have power to elect a President from their own number, and to appoint such other officers and agents as may be deemed necessary in conducting the business of said Company, to require bonds and security of such officers and agents, and to remove them at pleasure. And that after the election of the first Board of Directors, then there shall afterwards be an annual election by the stockholders, after due notice is given, and that each Board shall have power to fill all vacancies that may occur by death, resignation or otherwise, and that in case of the failure to elect

annually, a new Board, then the old Board are authorized to hold their place and transact the business of the Company until their successors shall be chosen.

Sec. 5. That each stockholder shall be entitled to one vote for each share of the capital owned by him or her, and may vote in person or by proxy.

Sec. 6. The Board of Directors shall be convened at any time at the call of the President, who shall preside over their meetings, and in his absence the Board may appoint a President pro tem.

Sec. 7. That each subscriber who may invest capital in the stock of said Company, or a holder of the same, shall at all times be entitled to receive the dividend declared upon said stock, unless the Directors or stockholders should deem it the true interest of said Company, to invest said dividends in the extension of their operations, and that such action shall be binding upon the minority, and that in case any stockholder should become dissatisfied, or wish to withdraw from said Company, or dispose of his or her interest, or require a distribution of dividends, or otherwise impede the operations of the Company, that he or she shall not be permitted to institute legal proceedings against said Company, to adjust his or her individual rights, nor in any wise impede the progress of the Company, unless sanctioned by a majority of the stockholders, but is permitted and required to dispose of his or her interest in the market, at such price as such stock may command, and he or she so selling, shall henceforth be exonerated from any loss of said Company, and be debarred from any future profits said Company may realize. But before a dissolution of said Company can be considered by the Directors, and a sale of the property and effects, and distribution of the same, a majority of the stockholders in regular meeting must express their approval of such dissolution.

Sec. 8. That at all meetings of the stockholders or Directors, all shares of the capital stock of said Company shall be deemed personal property, and shall be transferrable by conveyance in writing, to be recorded upon (the) books of said Company, or in any such manner as the by-laws may provide.

Sec. 9. This Act shall take effect from and after its passage.

Passed October 1st, 1866.

CHAPTER XXXVIII.

An Act changing the boundaries of the Corporation of the city of Austin.

Section 1. Be it enacted by the Legislature of the State of Texas, That the corporate limits of the city of Austin, be and the same are hereby so changed as to exclude therefrom, lots number fifty-five (55) and fifty-six (56,) in division "B," of the outlots of the city tract; and that this Act take effect and be in force from and after its passage.

Passed October 1st, 1866.

CHAPTER XXXIX.**An Act to incorporate the San Antonio Ice Company.**

Section 1. Be it enacted by the Legislature of the State of Texas, That D. L. Holden, W. A. Menger, H. P. Brewster, J. K. Kampman, R. H. Dryden and Wm. Steele, and their associates, be, and they are hereby constituted and declared a body politic and corporate, under the name and style of "The San Antonio Ice Company," with capacity to make contracts, to have succession and a common seal, to make by-laws for its government, and in its corporate name to sue and be sued, to grant, to take and receive, and generally to do and perform all such acts and things as may be necessary and proper for, or incident to the fulfillment of its obligations, or the maintenance of its rights and privileges under this Act, not inconsistent with the provisions of the Constitution of the State.

Sec. 2. That said Company be, and is hereby established, with the right of erecting, owning, maintaining and operating works for making ice in the city of San Antonio, and for owning and keeping up vehicles for the delivery of the same.

Sec. 3. That the capital stock of said Company shall be one hundred thousand dollars, and shall be divided into shares of one hundred dollars each, and the holders of such shares shall constitute the said company, and members shall be entitled to one vote for each share he may own, or represent by proxy, and such shares shall be transferrable only on the books of the Company.

Sec. 4. That the business and affairs of said Company shall

be conducted and managed by a Board of Directors, not less than three nor more than seven, who shall be elected by the Company, at such time as the stockholders may designate, and annually thereafter; provided, that in case of failure to elect at the appointed times, the Board of Directors incumbent, shall continue in office until there be an election, the time for which shall be fixed by said Board, and reasonable notice of the same given.

Sec. 5. The Board shall elect one of their members President, fill all vacancies and appoint such officers as they may deem necessary and require security for the faithful performance of their duties, prescribe the time for the payment of assessments on stock, and the rate of such assessments, declare the forfeiture of stock for the non-payment of stock or assessments thereon, or any part thereof, and to do or cause to be done, all other lawful acts or things which they may deem necessary and proper in conducting the business of said Company; a majority of said Board of Directors shall constitute a quorum for doing business. All instruments in writing, executed by the President of said Company, with the consent of the Board of Directors, shall be binding on said Company.

Sec. 6. That said Company shall have the privilege of owning real estate, not exceeding one hundred thousand dollars in value.

Sec. 7. That this Act take effect from and after its passage.

Passed October 2d, 1866.

CHAPTER XL.

An Act granting a Charter to James Farris to build a toll bridge across the east fork of the Trinity river, on the direct road leading from McKinney to Greenville by Farmersville, in Collin county.

Section 1. Be it enacted by the Legislature of the State of Texas, That a Charter is hereby granted James Farris, to build a toll bridge across the east fork of the Trinity river, at or near the place where the McKinney and Farmersville road crosses said creek, the bridge to be above the ordinary high water mark, that he bridge all the sloughs in said river bottom, and keep a highway open and in good condition through said river bottom, from the high ground on one side to the same on the other, in

order that coaches, wagons and pleasure carriages may pass with safety at all seasons of the year.

Section 2. As soon as said bridge and road shall have been completed, on intimation of the builders, the County Court of Collin County, shall appoint two County Commissioners, whose duty it shall be to examine said bridge and road, and report to said County Judge whether or not said bridge and road are completed according to the requirements of this Charter, and if so, said Judge shall issue his certificate to the builders, authorizing them to receive and collect the following toll; sheep per head, two cents; stock or beef cattle, going to or from market, three cents; stock horses, five cents; a man and horse, ten cents; a man on foot, five cents; one horse buggy, twenty-five cents; two horse buggy or wagon, or pleasure carriage, fifty cents; four horse wagon, or three yoke oxen and wagon, fifty cents; six horse wagon, or largest ox wagon, seventy-five cents, all other charges in proportion.

Sec. 3. The builders of said road and bridge, shall enjoy and exercise the privileges granted them in this Charter for the term of fifteen years, from and after the completion of said road and bridge, and the builders, their assigns or successors, shall always be responsible for all losses sustained, or injuries received by a failure on their part to comply with this Charter, such damages to be recovered by suit, as other suits for damages.

Sec. 4. The builders of said road and bridge shall have the power to erect a toll gate and collect the above rates of toll, and collect damages from all persons crossing and refusing to pay the same, as the law directs in other cases of damages.

Sec. 5. This Charter shall be void unless the work be done previous to the first day of March, 1867; and this Act shall be in force from and after its passage.

Approved October 2d, 1866.

CHAPTER XLI.

An Act to grant a Charter to A. Reecer to build a Toll-Bridge across Sister Grove Creek, at or near where the McKinney and Farmersville road crosses said Creek, in the County of Collin.

Section 1. Be it enacted by the Legislature of the State of Texas, That a charter is hereby granted to A. Reecer to build a

toll-bridge across Sister Grove creek, at or near the place where the McKinney and Farmersville road crosses said creek—the bridge to be above the ordinary high water mark. That he bridge all the sloughs in Sister Grove bottom, and keep a highway open, and in good condition, through said swamp, from the high ground on one side to the same on the other, in order that coaches, wagons and pleasure carriages may pass with safety all seasons of the year.

Sec. 2. As soon as said bridge and road shall have been completed, on intimation of the builders, the County Court of Collin county shall appoint two of the county commissioners, whose duty it shall be to examine said road and bridge, and report to the County Judge whether or not said road and bridge are completed according to the requirements of this charter; if so, said Judge shall issue his certificate to the builders to receive and collect the following toll, to wit: Sheep, per head, two cents; stock or beef cattle, going to or from market, three cents; stock horses, five cents; a man on foot, five cents; man and horse, ten cents; one horse buggy, fifteen cents; two horse wagon, buggy or pleasure carriage, twenty-five cents; four horse wagon, three yoke oxen and wagon, thirty-five cents; six mule wagon or largest ox-wagons, fifty cents; and all other charges in proportion to the above rates.

Sec. 3. The builders of said road and bridge shall enjoy and exercise the privileges granted to them in this charter for the term of fifteen years from and after the completion of said road and bridge, and the builders, their assigns or successors, shall always be responsible for all losses sustained, or injuries received, by a failure on their part to comply with this charter—such damages to be recovered by suit as other suits for damages.

Sec. 4. The builders of said road and bridge shall have the power to erect a toll-gate and collect the above rates of toll, and collect damages from all persons crossing and refusing to pay the same, as the law directs in other cases of damages; and this charter shall be void unless the work be completed previous to the first day of January, 1867.

Sec. 5. This Act to take effect and be in force from and after its passage.

Approved October 2, 1866.

CHAPTER XLII.

An Act granting a Charter to Robert A. Rike and E. Dobson to build a Toll-Bridge across Pilot Grove Creek, on the direct road leading from McKinney to Greenville, by Farmersville, in Collin County.

Section 1. Be it enacted by the Legislature of the State of Texas, That a charter is hereby granted Robert A. Rike and E. Dobson, their assigns or successors, to build a bridge across Pilot Grove creek, at or near the place where the McKinney and Farmersville road crosses said creek—the bridge to be above the ordinary high water mark; that they bridge all the sloughs in said Pilot Grove bottom, and keep a highway opened and in good condition through said swamp, from the high ground on one side to the same on the other, in order that coaches, wagons and pleasure carriages may pass with safety at all seasons of the year.

Sec. 2. As soon as said bridge and road shall have been completed, on intimation of the builders, the County Court of Collin county shall appoint two of the county commissioners, whose duty it shall be to examine said road and bridge, and report to said County Judge whether or not said road and bridge are completed according to the requirements of this charter; and if so said Judge shall issue his certificate to the builders, authorizing them to receive and collect the following toll: Sheep, per head, two cents; stock of beef cattle, going to or from market, three cents; stock horses, five cents; a man and horse, ten cents; a man on foot, five cents; one horse buggy, twenty-five cents; two horse buggy, or wagon, or pleasure carriage, fifty cents; four horse wagons, or three yoke of oxen and wagon, fifty cents; six horse wagon, or largest ox-wagon, seventy-five cents; all other charges in proportion.

Sec. 3. The builders of said road and bridge shall enjoy and exercise the privileges granted to them in this charter for the term of fifteen years from and after the completion of said road and bridge; and the builders, their assigns or successors, shall always be responsible for all losses sustained, or injuries received, by a failure on their part to comply with this charter—such damages to be recovered by suit as other suits for damages.

Sec. 4. The builders of said road and bridge shall have the power to erect a toll-gate and collect the above rates of toll, and collect damages from all persons crossing and refusing to pay the same, as the law directs in other cases of damages; and this

charter shall be void unless the work be completed previous to the first day of March, 1867.

Sec. 5. This Act to take effect and be in force from and after its passage.

Approved October 3, 1866.

CHAPTER XLIII.

An Act to incorporate the East Texas Petroleum and Mining Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That Samuel Clark, Thomas W. McCoy, and Lewis A. Casey, and their associates, be, and they are hereby created a body corporate and politic, by the name and style of the "East Texas Petroleum and Mining Company," and by that name shall have succession, may contract and be contracted with, sue and be sued, plead and be impleaded, have a common seal and alter and break the same at pleasure, may make all necessary by-laws for the transaction of the business and government of said company not inconsistent with the Constitution and laws of this State and of the United States.

Sec. 2. The capital stock of said Company shall not exceed three millions of dollars, which may be divided into shares, subscribed and paid for, in such manner as the Company may, by its by-laws, prescribe.

Sec. 3. That said Company shall have power to appoint one or more of its members, or other persons, to manage, control and direct the business of said Company, according to the by-laws, rules and regulations which said Company may adopt.

Sec. 4. That said Company may acquire and hold such real and personal estate, by contract or otherwise, as they may deem necessary or proper for carrying on the mining of coal, iron, lead or other minerals; the procuring and manufacturing or refining of oil, salt and lumber, and the transporting thereof to market, together with such quantities of land as may be necessary for the establishment of mills, machinery, depots and landings for same; to build railroads or slack-water navigation necessary to convey the products of their mining or manufacturing operations to market.

Sec. 5. That said Company may build, buy and own boats for the use of their business, and dispose of their property, or

any portion of it, by sale or otherwise. They may receive real estate or mining privileges in payment of such part of their stock as they may deem advisable, and may dispose of the same, or any part thereof, as the interest of the Company may require.

Sec. 6. That it shall be lawful for the President and directors of said Company, from time to time, to borrow or obtain on loans such sums of money, and on such terms as they may deem expedient, for the prosecution of the business of said Company, and to pledge or mortgage any part of the real estate, improvements, privileges, effects, or assets whatever of said Company, for the repayments of said sums so borrowed.

Sec. 7. That said Company, when fully organized, shall cause a book to be opened and kept, subject to the inspection of any member of said Company, and the number of shares and amount of stock owned by each; and the said shares may be transferred in the manner to be prescribed by the by-laws of said Company.

Sec. 8. That said Company shall possess and enjoy all powers, rights and privileges which are necessary, right and proper to carry out the object of this association, or which may hereafter be granted to mining associations in this State; Provided, That the office of said Company shall be kept within the limits of the State of Texas; and nothing herein contained shall authorize banking privileges; and this Act shall continue in force for twenty-five years, and not longer.

Sec. 9. That this Act shall take effect and be in force from and after its passage.

Passed October 3, 1866.

CHAPTER XLIV.

An Act to incorporate the Barnhart Mills.

Section 1. Be it enacted by the Legislature of the State of Texas, That W. W. Morris, and such associates as he may unite with him, are hereby created a body corporate and politic, to be styled "The Barnhart Mills;" said company shall be capable in law and equity to sue and be sued, plead and be impleaded, answer and be answered unto, in any and all courts whatsoever; to make and use a common seal, and the same to alter or change at pleasure, and shall be and are hereby authorized and empowered to make contracts, and make and enforce the necessary by-laws,

rules and regulations, to enable them to carry into effect the objects of this act, in accordance with the Constitution and laws of Texas.

Sec. 2. That said company are hereby invested with the right to erect such mills as it may see fit, for the purpose of manufacturing lumber, and all articles made from the same, and also to manufacture all other articles whatsoever deemed useful to the country, including all manufactured articles of cotton or wool.

Sec. 3. That said W. W. Morris shall open books for the subscription of stock, in such manner as he may see fit, and when the sum of five thousand dollars shall be subscribed, and three thousand dollars paid in, the books shall be closed, and the corporation shall be thereby declared to be organized for business.

Sec. 4. That the following shall be the mode of subscribing for stock in said books: "The undersigned promise to pay the sum of one hundred dollars for each share of stock set opposite to our respective names, in such manner and proportions and at such times as the Barnhart Mills may direct."

Sec. 5. That the capital stock of said company shall be three hundred thousand dollars, divided into shares of one hundred dollars each, and each share shall entitle the owner thereof to one vote in person, or by written proxy, at all meetings of the stockholders. The shares shall be deemed personal estate, and shall be transferred on the books of the corporation by the person or persons owning the same, or by his agent, attorney, legal representative, trustee or guardian, and such stock shall be at all times holden by the corporation for any dues from the owner thereof to the corporation, for any sums that may hereafter become due, or any contract made with such corporation prior to such transfer.

Sec. 6. That the affairs of said company may be conducted by said Morris and associate or associates, or by such officers or agents as they may appoint, but a majority of the stockholders shall have the power to elect a board of directors to manage the affairs of said corporation whenever they may see cause to do so.

Sec. 7. Should the stockholders at any time elect a board of directors, as above provided, then from such time the affairs and business of said company shall be conducted by a board of directors, (a majority of whom are to be residents of Texas,) not less than three nor more than five in number, who shall be elected at a general meeting of the stockholders, to be held annually. They shall hold their offices for the period of twelve months, or until their successors are elected. The time for the first election shall be appointed by said company, thirty days notice of which shall

be given; and should the stockholders fail annually thereafter to meet and elect directors, as aforesaid, the directors in office shall appoint a day for a special election, giving like notice. No person shall be eligible as a director unless he owns ten shares of the capital stock. The said board shall elect a President from their number, fill vacancies, appoint a Secretary and Treasurer, and such officers as they may deem necessary, and require security for the faithful performance of their duties, also prescribe the time for the payment of instalments or assessments upon stock, and the amount of such instalments or assessments, and to do all other acts deemed necessary or proper, in conducting the business of the company, not in contravention of the laws and Constitution of the State. A majority of said directors shall constitute a board for the transaction of business. Instruments or contracts in writing, authorized by the company, shall be signed by the President, and countersigned by the Secretary, with the seal of the company affixed; and the order or resolution of the board of directors, authorizing the instrument or contract in writing, shall be inserted in said contracts. That said company shall be bound by the parol contract made by their authorized agents, acting within the scope of the authority conferred by resolution of the board of directors or stockholders; provided, that this section shall only apply in case the stockholders proceed to elect a board of directors, in compliance with requisitions of the same.

Sec. 8. That said corporation shall have power to borrow money on their bonds or notes, on such terms as may be agreed on, and to execute such mortgage on the property of the same, as may be deemed necessary, to secure the debt, provided that nothing in this section shall be construed to confer banking privileges of any kind.

Sec. 9. That said corporation shall have the right to hold, use, and enjoy, such real and personal estate as may be deemed necessary to carry on their business, not to exceed in value one hundred thousand dollars.

Sec. 10. No stockholder shall be entitled to vote in virtue of his shares, or to draw any dividends on account thereof, who is at the time in default of payment of assessment, or calls made on his stock.

Sec. 10. That the stockholders in said corporation shall be liable, in a just ratio, or proportion to the amount of their stock held or subscribed for, for all debts incurred or created during their said ownership of said stock, to the full amount of stock subscribed by such person, and in case of a sale or transfer

of said stock from the original subscription, it shall not release the original subscriber in his just proportion from any debts incurred or created during his, her or their possession of said stock.

Sec. 12. That this act of incorporation shall be in force for twenty-five years, unless sooner forfeited, and said company shall build their mills within three years from the passage of this act, or in default thereof, this charter to be void, and that this act shall take effect and be in force from and after its passage.

Passed October 3, 1866.

CHAPTER XLV.

An Act supplementary to an act entitled an act to incorporate the East Texas Petroleum and Mining Company, passed at the present session of the Legislature.

Section 1. Be it enacted by the Legislature of the State of Texas, That the 4th section of an act, to which this is a supplement, be so amended as to read as follows: "That said company may acquire and hold such real and personal estate by contract or otherwise, as they may deem necessary or proper for carrying on the mining of coal, iron, lead, or other minerals; boring for petroleum, the procuring and manufacturing or refining of oil and salt, and the transporting thereof to market, together with such quantities of land as may be necessary for the establishment of machinery, depots, and landings for the same; provided, that the operations of said company shall be confined to the counties of Shelby, San Augustine, Nacogdoches, Sabine and Angelina.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved October 5, 1866.

CHAPTER XLVI.

An Act to incorporate the town of Carthage, in Panola County.

Section 1. Be it enacted by the Legislature of the State of Texas, That the white citizens of the town of Carthage, in Pano-

la county be, and they are hereby declared, a body politic and corporate, under the name and style of the corporation of the town of Carthage, and by that name shall have power to sue and be sued, plead and be impleaded, and to hold and dispose of real and personal property; provided, such real property is situated within the limits of said corporation.

Sec. 2. That it shall be the duty of the white citizens of said corporation to elect a Mayor, five Aldermen, and a Constable; and Treasurer and Secretary shall be elected by said Aldermen from their own body. The Treasurer and Constable being required to give bond and security, to be approved by the presiding officer, for the faithful performance of their duties, and to make reports, when required by the Mayor or Board of Aldermen, and the Mayor shall have power, when necessary, to suppress riots and disturbances, and to call out the citizens of said corporation, for the purpose of settling order.

Sec. 3. That the first election shall be held under the direction of the County Judge of said county, after having given ten days notice thereof, and annually afterwards, under the direction of the Mayor, at least ten days before the expiration of his term of office, and that in case of death or resignation, the vacancy or vacancies shall be filled by new elections, to be ordered by the Mayor; and in case the office of Mayor shall be vacant, then the Aldermen shall elect one of their own body to act as Mayor until the next annual election, or they may order an election for Mayor to fill out the unexpired term, after giving ten days notice of such election.

Sec. 4. That no person shall be eligible to any office under the provisions of this charter who is not a white citizen of this State, and a resident within the limits of the corporation, nor shall any person have a right to vote for officers who is not a white citizen and resident within its limits.

Sec. 5. That the Mayor and board of Aldermen of said corporation shall have power to pass such rules and ordinances as may be necessary for the regulation of the police, and the preservation of order, within the corporation limits, to levy taxes, for the removal of nuisances, and keeping the streets in good order, and to prescribe penalties for the violation of the by-laws and ordinances of the corporation; provided, that in no case shall such penalties exceed one hundred dollars.

Sec. 6. That the limits of said corporation shall extend one half mile in every direction from the court-house, on the public square of said town of Carthage, in the centre of said corporation limits.

Sec. 7. That the Mayor, with a majority of said Aldermen, shall constitute a quorum for the transaction of business, and shall enact and enforce such rules and regulations as they may deem necessary for the government of said corporation; provided, that the same do not conflict with the Constitution and laws of this State.

Sec. 8. That this Act take effect and be in force from and after its passage.

Approved October 5, 1866.

CHAPTER XLVII.

An Act to incorporate the Eureka Manufacturing Company.

Sec. 1. Be it enacted by the Legislature of the State of Texas, That S. S. Munger, Samuel J. Harrington, E. H. Cushing, W. J. Hutchins, R. S. Willis, T. W. House, A. Sessums, B. A. Shepherd, and C. S. Longcope and their associates and successors, be, and they are hereby created a body corporate and politic, under the name and style of the "Eureka Manufacturing Company," for the purpose of manufacturing cotton and woolen goods, and under said name the Company shall have the right to sue and be sued, plead and be impleaded, to hold, transfer and alienate real and personal property, for the benefit of said Company.

S c. 2. The capital stock of said Company shall not exceed two hundred and fifty thousand dollars, and may be required to be paid in, upon such terms and conditions as the Board of Directors shall prescribe.

Sec. 3. Said Factory is hereby located on the Central Railroad, five miles from the city of Houston, in Harris county.

Sec. 4. The capital stock of said Company shall be divided into shares of one hundred dollars each, and for each share owned and paid in by any one stockholder, he shall be entitled to one vote, either in person or by proxy.

Sec. 5. The Company above named, having purchased land for site, timber, &c., and erected buildings, and now putting up machinery, are authorized to organize at once, upon the first named corporator giving notice to the stockholders of the time and place of said organization, either in person or by writing, giving five days notice.

Sec. 6. At said meeting above named, the stockholders shall

elect, not less than three nor more than five Directors, one of whom shall be chosen President of the Company; said Board shall take charge of the government of the officers of the Company, and a majority shall constitute a quorum for business; said Board may have such other officers as they may see proper, and may, if they desire, require bonds for the faithful performance of duties; they may also enact all necessary by-laws.

Sec. 7. The first Board of Directors shall hold their offices until the first Monday in April, 1868, and shall be elected on that day, annually, thereafter, but failing to elect on that day, may elect as soon thereafter as convenient.

Sec. 8. No stockholder shall be eligible to the position of a Directorship, unless he shall be the owner, in person, of ten paid in shares.

Sec. 9. The President and Secretary shall sign all notes, bonds, deeds, certificates of stock, &c., for the Company, and shall attest the same with the seal of the Company; until a seal is procured, a private seal may be used.

Sec. 10. This Charter shall take effect from and after its passage, and shall remain in force for twenty-five years.

Approved October 5th, 1866.

CHAPTER XLVIII.

An Act to incorporate the King's Fork Bridge Company, on the road leading from Waxahachie, in Ellis County, and from Corsicana, in Navarro County to Kaufman, in Kaufman County, at the junction of said road about six miles below the town of Kaufman, near J. O. Gillespie's residence.

Section 1. Be it enacted by the Legislature of the State of Texas, That C. A. Hayden, his successors and assigns, be, and they are hereby created a body corporate, under the name and style of "King's Fork Bridge Company," and by that name may sue and be sued, plead and be impleaded, and may have a common seal; with full power to construct a bridge across the King's fork of the Trinity, at the point designated, and to have corporate control of the crossing of said stream, for a distance of two miles above and below said bridge, in a direct line of the general course of the same, but not to interfere with any crossing on said stream, now in use within that limit, other than the crossing at the place of building said bridge.

Sec. 2. That so soon as said Company shall complete said bridge, the County Court of Kaufman county shall inspect the same, and if said Court shall find said bridge completed in good order, shall issue a certificate to said Company, certifying that the said bridge is in good condition for the safe passage of persons traveling over the same; then said Company shall be authorized to demand and receive the following rates of toll, viz: for each wagon, ten cents per wheel, and five cents per head for the team attached thereto, provided, that in no instance said Company shall receive more than one dollar for any wagon and team crossing at one time; pleasure carriages, single, not to exceed thirty cents, double, not to exceed forty cents each; for each horse and rider, ten cents; loose horses, mules, or cattle, two cents per head; for each sheep, hog or goat, one cent per head; further provided, that said Company shall not be allowed to charge any citizen of Kaufman county any of the above rates, except for wagons that may be hauling goods, wares and merchandise for any trader or merchant; they may be charged, and none other.

Sec. 3. That if any person shall cross on said bridge, or drive any horse, mules or cattle, sheep, goats or hogs, or any wagon or other carriage, without paying the toll thereof, other than is herein provided, or shall obstruct or damage said bridge, the said Company shall have a right of action to recover such tolls or damages sustained, in any Court having competent jurisdiction.

Sec. 4. Should any person or persons, traveling over said bridge, be detained or damaged in their person or property, by reason of the insufficiency of said bridge, or by or through the negligence of said Company, then the said Company shall be liable, to the person or persons so detained or damaged, in action of damages in any Court of competent jurisdiction.

Sec. 5. That the said company shall enjoy the right and privileges herein granted, for the term of twenty years from and after the completion of said bridge.

Sec. 6. That said Company shall have twelve months from the first day of March, 1867, for the completion of said bridge, and in case said bridge be not completed within said time, then this Charter to be forfeited.

Sec. 7. That this Act take effect and be in force from and after its passage.

Approved October 6th. 1866.

CHAPTER XLIX.

An Act to incorporate the Columbus, San Antonio and Rio Grande Railroad Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That C. W. Tate, L. C. Cunningham, John R. Brooks, R. V. Cooke, W. D. W. Pecke, D. S. H. Darst, Wm. F. Laird, J. W. Stell, James R. Sweet, Samuel A. Mäverick, Gustave Schleicher, W. B. Knox, John S. A. Williams, T. W. House, A. M. Gentry, A. Sessums, John T. Brady, John Sellers, E. B. Nichols, and their associates and successors, be, and they are hereby created and appointed Commissioners to open books and to receive subscriptions to the capital stock of a Company to be styled "The Columbus, San Antonio and Rio Grande Railroad Company." But they shall receive no subscription to said capital stock, unless five per cent. thereof in cash, shall be paid to them at the time of subscribing, and should they receive subscriptions to said stock without said payment, they shall be personally liable to pay the same to the said Corporation when organized. A majority of said Commissioners shall constitute a quorum to do business, and they may hold their meetings at such times and places as a majority shall designate; provided, that public notice of all such meetings shall be given by publication in one or more newspapers, printed in some of the counties through which said road is to pass, at least ten days before any such meetings.

Sec. 2. That the subscribers to said capital stock, whenever they shall have selected Directors in the manner hereinafter provided, shall be, and they are hereby created and established a body corporate and politic, under the name and style of "The Columbus, San Antonio and Rio Grande Railroad Company," with capacity in said corporate name to make contracts, to have succession and a common seal, to make by-laws for its government, and the regulation of its affairs, to sue and be sued, to plead and be impleaded, to grant and to receive, and generally to do and perform all such acts and things as may be necessary and proper for, or incident to the fulfillment of its obligations, or the maintenance of its rights under this Act, and consistent with the laws and Constitution of this State and the United States.

Sec. 3. That the corporate stock of said Company shall not exceed five millions of dollars; that said Corporation shall be, and is hereby invested with the right of locating, constructing, owning and maintaining a railway, commencing on the west

bank of the Colorado, in the county of Colorado, at or near Columbus, thence running west on the most practicable route by way of Gonzales and San Antonio, to a point on the Rio Grande river, not more than five miles below, nor more than forty miles above Eagle Pass. That the capital stock of said Company shall be divided into shares of one hundred dollars each, each share entitling the owner thereof, to one vote in person or by proxy, at all meetings of the Company, and the shares shall be deemed personal estate, and shall be transferable in such manner as may be provided for by the laws of the Company.

Sec. 4. That the immediate control and direction of the affairs of said Corporation, shall be vested in a Board of not less than seven nor more than thirteen Directors, to be chosen by the stockholders, who shall hold their office for the term of two years. No person shall be eligible as Director, unless he is the owner of at least five shares of the capital stock; the said Directors shall choose one of their number to be President of the Company, they shall have power to fill any vacancy in their board arising from non-election, death, resignation or other cause; to appoint a Clerk, Treasurer, and such other officers and agents as they may think proper, and prescribe and require bonds for the faithful performance of their duties; they may make all necessary rules and regulations for holding of meetings, and all other things they may deem proper for carrying out the provisions of this Charter, and the business of the Company; they shall keep, or cause to be kept, accurate books of accounts of the receipts and expenditures of the Company; a majority of the Board of Directors shall have the power of a full Board, and all conveyances and contracts in writing, executed by the President and countersigned by the Treasurer, or any other officer duly authorized by the Directors, under the seal of the Company, and in pursuance of a vote of the Directors, shall be binding and valid. Whenever three hundred thousand dollars of the capital of said Corporation shall have been subscribed, and five per cent. thereof shall have been paid to the Commissioners heretofore named, they shall cause an election to be held by the said subscribers at the town of Gonzales, for not less than seven Directors, having first given notice of the time of said election, in some newspaper published in one of the counties through which said road is to pass, after which the said Commissioners shall account for, and pay over to said Directors all such sums as they shall have received of the capital stock of said Company. The said Directors shall have power to receive further subscriptions to the capital stock of said Corporation

from time to time until the whole amount thereof shall have been subscribed, but five per cent. of all such subscriptions shall be paid in cash; provided, said Directors may receive as in payment of stock, upon such terms as they may determine, lands and other property, which may be made available in building said road at the time of subscribing, and the Directors shall be personally liable to said Company for five per cent. of all such subscriptions they may receive to said capital stock without such payment; provided however, that said Company may, by the vote of a majority of the stockholders, cause certificates of stock to be issued in payment of any debt contracted for the construction or equipment of their road, provided the stock shall not be sold at less than par value. Any agreement in writing, whereby any person may become a subscriber to the capital stock, may be enforced on him according to its terms, and if any subscriber shall fail to pay any amount due on the shares subscribed for by him according to the terms of his subscription, the Directors may sell at auction and transfer to the purchaser the share of such delinquent, and if the proceeds of sale shall not be sufficient to pay the amount due, with interest and charges, such delinquent shall be held liable to the Company for such deficiency, and if the proceeds shall exceed the amount due, with interest and charges, he shall be entitled to the surplus; provided, that no sale of any shares of delinquent stockholders shall be made unless at least thirty days notice of such sale shall be given, by publication in two newspapers, one of which shall be published in the city of Houston, and the other in the city of San Antonio.

Sec. 5. That it shall be lawful for said Company to enter upon, purchase, or otherwise take and hold any land necessary for the purpose of locating, constructing and maintaining said Railway, with all the necessary depots and other business connected with said Railway, and if they shall not be able to obtain such lands by agreement with the owners thereof, they shall pay such compensation as shall be determined in the manner provided by law; the land so taken for the road bed shall not exceed fifty yards in width, and for depots and other buildings only such further width as may be necessary.

Sec. 6. That said Company shall have the right to charge such amount for the transportation of all produce or merchandise, bulk freights as the Directors may establish, not to exceed fifty cents per hundred pounds of freight for every hundred miles the same may be transported over said Railway; and for all passengers over said Railway, said Company may charge such

sum, not to exceed four cents per mile for each passenger, as said Directors may establish; and said Company shall have the right to cross all public highways that may be necessary in establishing and maintaining said Railway, but shall be compelled to make causeways over all public highways crossed, for the convenient passage of the public.

Sec. 7. That said Company shall commence the construction of said railway, and complete twenty-five miles within two years from the passage of this Act, and twenty-five miles annually thereafter, until the same reaches San Antonio, and should said Company fail to commence and prosecute the road as herein prescribed, they shall forfeit all their rights and privileges to construct said road further under this Charter; and should said Company prosecute their road beyond San Antonio to the Rio Grande, they shall complete ten miles annually, under the same conditions and penalties as set forth in the preceding part of this section.

Sec. 8. That the said Company shall be entitled to receive, under the provisions of an act to encourage the construction of Railroads in Texas, by donations of land approved January 30th, 1854, sixteen sections of land per mile, for the first twenty-five miles of its road, and also for each subsequent twenty-five miles of road; provided, the same shall be constructed within the time prescribed in the next preceding section, until the said act shall be repealed, or expires by limitation.

Sec. 9. That the Board of Directors, to be elected under the provisions of this act, are hereby authorized to form a junction or connect with any other Company or Companies, in such manner as may best and most certainly secure the speedy construction of their said Railway; and in case of a connection with any other Railroad before reaching San Antonio, said Company shall not be bound to construct its road further than to said connecting point, but may begin such road at San Antonio, and run thence to the Rio Grande, as before mentioned.

Sec. 10. That this Charter shall remain in full force and effect for the period of ninety years; provided the conditions required in said Charter have been fully complied with from the completion of the said Railway, and the same shall at all times be subject to the general laws regulating Railroads, passed by the Legislature of this State.

Sec. 11. That said Company shall have the right to borrow money, execute its bonds, and for the purpose of securing the payment of the same, shall have the right to mortgage its property and franchises.

Sec. 12. That this Act take effect from and after its passage.
Approved October 6th, 1866.

CHAPTER L.

An Act for the Relief of the Eastern Texas Railroad Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Eastern Texas Railroad Company shall be entitled to receive from the State, a grant of sixteen sections of land, of six hundred and forty acres each, for every mile of road it has constructed, or may construct, and put in running order, from Sabine Pass to the county of Grayson, as provided for in the charter; Provided, that the bonds heretofore drawn by said Company, by virtue of an Act to encourage the construction of Railroads in Texas, by donations of land, approved 30th January, 1854, be deducted from the amount of lands granted hereby; and provided further, that the land certificates heretofore issued to this Company, on the first section of their road, by virtue of the Act aforesaid, be included in the terms, benefits, and conditions of this Act, as if issued by virtue of its provisions; and further Provided, that said Company shall repair and put in running order, all that portion of the road from Sabine Pass to where said road crosses the Texas and New Orleans Railroad, within one year from January the 1st, 1867, or construct and put in running order, fifty miles, within two years from that date, beginning from Sabine Pass, and such grant of land shall be discontinued when said Company shall fail to construct and complete, at least fifty miles of the road, contemplated by their charter, every two years after the construction of said first mentioned fifty miles of road.

Sec. 2. Whenever said Company shall have completed and put in running order, a section of twenty-five miles, or more, of its road, beyond the point which land has been granted and drawn, they may give notice of the same to the Governor, whose duty it shall be to appoint some skilful engineer to examine said section of road, and if upon the report of said engineer, under oath, it shall appear that said road has been constructed in accordance with the provisions of its charter, and of the general laws of the State in force at the time, regulating Railroads: thereupon it shall be the duty of the Commissioner of the Gener-

al Land Office to issue to said Company, certificates of six hundred and forty acres each, equal to sixteen sections per mile of road so completed, whereupon said Company may apply to the District Surveyor of any Land District, to survey any quantity of vacant land subject to location and entry, in such district, not to exceed twice the quantity of certificates so issued, and may cause to be surveyed the land so designated, into sections of six hundred and forty acres each, or half sections of three hundred and twenty acres each; which surveys shall be delineated upon a map or maps, the even and odd sections, and half sections, and being differently colored and regularly numbered, from one upwards to the full number contained in the block, and the field notes of said survey and map, or maps, shall be by said Company deposited with the Commissioner of the General Land Office; and it shall be the duty of said Land Commissioner to issue to said Company, patents for the odd sections, and half sections of said surveys; and all the alternate or even surveys, and half sections, shall be reserved to the use of the State, until appropriated by law, and not liable to location, entrance or pre-emption privileges.

Sec. 3. That surveys, under the provisions of this Act, shall be made by the District Surveyors, of the district wherein the lands may be situated, and the field notes of such surveys shall be recorded in the office of the District Surveyor of the District wherein the lands are situated; Provided, that the State in no case shall be liable for surveying any part of said lands, nor shall the Company pay for the fees of patenting the odd sections, as herein provided; and Provided, that nothing herein contained shall exempt this Company from the provisions of the General Railroad Law.

Sec. 4. That this Act take effect and be in force from and after its passage.

Passed October 8, 1866.

CHAPTER LI.

An Act to Incorporate the Town of Pilot Point, in Denton County.

Section 1. Be it enacted by the Legislature of the State of Texas, That the citizens of the town of Pilot Point, in Denton county, be, and they are hereby declared a body politic and cor-

porate, under the name and style of the "Corporation of the Town of Pilot Point," and by that name shall have power to sue and be sued, plead and be impleaded, and to hold and dispose of real and personal property; Provided, that such real property is situated within the limits of said Corporation.

Sec. 2. That it shall be the duty of the citizens of said Corporation to elect a Mayor, five Aldermen and a Constable, who shall also be ex-officio Assessor and Collector of taxes, in and for said Corporation, and a Treasurer and Secretary shall be appointed by said Aldermen, from their own body; the Treasurer and Constable shall be required to give bond, with security to be approved by the Mayor, in such sum as may be directed and required by the Board of Aldermen, for the faithful performance of their respective duties, and to make report when required by the Mayor, or Board of Aldermen, and the Mayor shall have power, when necessary to suppress riots and disturbances, to call out the citizens of said Corporation for the purpose of restoring order.

Sec. 3. That the first election shall be held under the direction of the County Judge of said County, after giving at least ten days notice of the time and place of holding the same, by posting notices in writing, in at least three public places in said town; and an election shall be held annually thereafter, under the direction of the Mayor, who shall give a like notice, at least ten days before the expiration of his term of office; and in case of the death or resignation of the Mayor, the Board of Aldermen shall select one of their own number to act as Mayor until the next annual election; and in case of vacancy in the Board of Aldermen, the Mayor shall order an election to fill said vacancy, at such time as he may select, giving notice thereof in writing, posted as above required, at least ten days before the day of election, and the person so elected shall serve until the next annual election thereafter.

Sec. 4. That no person shall be eligible to any office under the provisions of this charter, who is not a citizen of this State, or who has not been a resident of said town, at least four months next preceding the day of election, nor shall any person be entitled to vote for any of said officers, who does not possess the qualification required by this section, to hold office in said Corporation.

Sec. 5. The Mayor and Board of Aldermen of said Corporation, shall have power to pass such Rules and Ordinances as may be necessary for the regulation of the Police and preservation of order within the Corporate limits, to levy a tax on all subjects

of taxation, which shall not exceed one half of the State tax, in any one year, for the removal of nuisances, and for keeping the streets in good order, and to prescribe penalties for the violation of the Ordinances and By-Laws of the Corporation; Provided, that in no case shall such penalty exceed one hundred dollars, or imprisonment for a longer period than twenty-four hours.

Sec. 6. That the limits of said Corporation shall extend one mile in a square form, so laid off as that the centre of the public square shall be the centre of said Corporation, and the citizens who reside within the limits of said Corporation shall be exempt from road duty, except such as may be imposed upon them by the Mayor and Board of Aldermen, of said Corporation.

Sec. 7. That the Mayor, with a majority of said Aldermen, shall constitute a quorum for the transaction of business, and shall enact and enforce such rules and regulations as they may deem necessary for the government of said Corporation; Provided, the same do not conflict with the Constitution and Laws of this State.

Sec. 8. That this Act take effect and be in force from and after its passage.

Passed October 8, 1866.

CHAPTER LII.

An Act to incorporate the Lake, Lock and Dam Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That H. P. Mabry, John Speake, P. M. Graham, W. M. Harrison, A. U. Wright, John C. Murphy, J. W. Russell and S. B. Hendricks, and such others as may be associated with them, are hereby incorporated under the name and style of the "Lake, Lock and Dam Company;" and they and their successors, under such name, shall sue and be sued; have succession for twenty years after the completion of the lock and dam, as herein contemplated and expressed; that they may have a corporate seal, and the right of owning, holding and transferring property, real and personal, for the purpose of carrying out the object of this incorporation, and may dispose of their joint undivided interest therein at pleasure.

Sec. 9. That the capital stock of this Company shall be four hundred thousand dollars, and shall be divided into shares of one hundred dollars each; and whenever said Company shall

have seventy-five thousand dollars subscribed, in the manner hereinafter set forth, and ten per cent. thereof paid in, the said Company may elect a President, and not less than three, nor more than seven directors; and the said President and directors, when elected in pursuance of this Act, or a majority of the same, as their by-laws may direct, shall have full power and authority to make, appoint and remove, at pleasure, all officers and agents of said corporation, to fix their compensation, prescribe their duties, and provide for the taking of bonds for the faithful performance of the duties of such officers or agents, and generally to manage the affairs of said corporation. They shall also have the power to fill any vacancy which may occur in their body, and also to appoint a President pro tempore, when the President may be absent from their meetings; and if the President, or any of said directors, be absent without leave from their regular meetings, for two regular meetings of said President and directors, a majority of the said board may declare his or their places vacant, and proceed to fill said vacancy or vacancies without notice to said absent President or director.

Sec. 3. That said incorporators named in the first section hereof, or any one of them, may open books for the subscription of stock in said Company in the city of Jefferson, in the county of Marion, in the State of Texas, and elsewhere, as they may think proper, at any time after the granting of this charter by the State of Texas and the State of Louisiana, and receive subscriptions of stock from parties wishing to subscribe thereto; and when any of such parties do subscribe thereto, and pay in on said subscription two (ten) per centum thereof, they shall be bound as stockholders therein; and when the said sum of seventy-five thousand dollars shall have been subscribed as aforesaid, the stockholders may hold a meeting and elect their President and directors as aforesaid, and be fully and completely authorized to proceed in all the matters to accomplish the object of the said corporation. Said President and directors may hold regular meetings for the transaction of the business of said corporation, quarterly in each year, and may hold their offices one year, and until their successors are qualified; and the books of the Company in their hands shall always be open for the inspection of any of the stockholders.

Sec. 4. The purpose of said Company—corporate Company—is to build, construct and erect a lock and dam, or locks and dams, in the bayous or lakes, or either, in the waters between said city of Jefferson and the city of Shreveport in the State of Louisiana, for the purpose of giving slack-water navigation to

the said city of Jefferson and the landings on said bayous and lakes between the last named port and the said city of Shreveport, as may seem practicable; and after the completion of said lock and dam, or locks and dams, and the consent of the State of Louisiana to do the same being obtained, said Company may charge and receive from any boat or water craft transporting freight which passes through the said waters to any point above said lock and dam, the sum of thirty cents per ton to amount of tonnage.

Sec. 5. That said Company may use any of the rocks, timbers or earth, on any of the unappropriated public domain of the State of Texas, free of charge, molestation or hindrance; but the charges and tolls set forth in section four hereof shall not be charged and collected until said Company shall produce a depth of water to the said city of Jefferson equal to three feet in the best channel.

Sec. 6. This Act take effect from and after its passage, subject to the passage of a like Act by the Legislature of the State of Louisiana.

Approved October 8, 1866.

CHAPTER LIII.

An Act to incorporate the Small Craft Transportation Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That Philip H. Raiford, Thomas F. McKinney, and their associates, are hereby declared a body corporate, for the following purposes, viz: For the purpose of clearing out Buffalo Bayou above the city of Houston, and to build thereon, if necessary, locks and dams for the purpose of transporting timber from the margin of said bayou in small crafts, or floating the same down the bayou.

Sec. 2. The said Company shall have power and authority to have and enjoy succession by the name of "The Small Craft Transportation Company," for the period during which said bayou above Houston may be used by the corporation for the purposes herein contemplated; to contract; to sue and be sued in their corporate name; to make and use a corporate seal; to receive, purchase, hold and convey property, both real and personal, so much as necessary to carry out the objects and purposes herein expressed; to name and appoint such managers.

directors and officers, as their interests and convenience may require; to make such by-laws for the government of the concerns of the Company as may be necessary and proper.

Sec. 3. Said Company shall not have the right to interfere with, or in any manner obstruct any public highway, nor shall this right apply to any portion of Buffalo Bayou, now or heretofore navigable; nor shall it be lawful, hereafter, for any parties to obstruct the channel of the operations of the Company.

Sec. 4. The Company shall have the right to occupy and use so much land as is necessary for carrying on their enterprise, paying a just and full compensation to the owners, to be ascertained in the usual way, but in no event to interfere in any way with valuable improvements, without the direct consent of the owners.

Sec. 5. Should said corporation not have commenced operations within eighteen months from the organization of the Company, and given evidence of success, fully carrying out the objects of the corporation, (to be determined by the Judge of the District Court, on application of any party,) they shall forfeit all rights accruing under the provisions of this Act; Provided, That said Company shall have completed their organization within one year after the passage of this Act.

Sec. 6. That this Act remain in force for twenty-five years, and no longer.

Approved October 8, 1866.

CHAPTER LIV.

An Act to authorize A. H. Cromwell to build a Mill-dam across the San Antonio River, in Victoria County.

Section 1. Be it enacted by the Legislature of the State of Texas, That Alexander H. Cromwell, of Victoria County, be, and he is hereby authorized to erect across the San Antonio river, at his plantation in the county aforesaid, a mill-dam, of (6) feet elevation, in order to procure thereby water power to propel a grist and saw mill, and such other machinery as he may choose to erect; Provided, Said dam be erected within eighteen (18) months from the passage of this Act; And provided, That the erection of said dam shall not interfere with or infringe on the rights of persons owning lands on the river San Antonio above said dam, or adjacent to the same: And provided further, That

nothing in this Act shall be so construed as to prevent parties who may feel aggrieved and injured, or liable to be aggrieved or injured, in any manner, by the effect of said dam, from applying to and obtaining from any Court of competent jurisdiction its abatement as a nuisance.

Sec. 6. That said Cromwell and his heirs and assigns be privileged to repair, rebuild and maintain the said dam for thirty years.

Sec. 3. That all laws and parts of laws which may conflict with this Act, be, and the same are hereby repealed; and that this Act take effect from and after its passage.

Approved October 8, 1866.

CHAPTER LV.

An Act to incorporate the Galveston City Railroad Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That Charles H. Leonard, Thomas F. McKinney, R. P. Boyce, B. Rush Plumley, Jacob B. Wells, Henry B. Andrews, John Curry, John Cronican, W. B. Bennett, Jacob P. Watson, Boulds Baker, and their associates, subscribers to the capital stock of the Galveston City Railroads, be, and the same are hereby declared to be a body corporate in law and in fact, under the name and title of "The Galveston City Railroad Company."

Sec. 2. Said Company shall have the right to construct, equip and run horse railroads upon such streets of the city of Galveston as may have been designated by the Mayor and Aldermen of said city, and upon such other streets within the present or future corporate limits of said city as may be approved by said Mayor and Aldermen; and said Company shall construct, equip and run said railroads upon the streets within the limits of said city under such conditions and ordinances as the Mayor and Aldermen of said city may provide and impose; and said Company may, from time to time, extend their roads beyond the limits of said city, over the Island of Galveston, as the public convenience may require, and the roads constituting said extension beyond the city limits, may use either horse or steam power.

Sec. 3. The capital stock of said Company shall be five hundred thousand dollars, divided into shares of fifty dollars each. Said Company shall have the right to issue said stock upon such terms as they may deem essential to the construction

and maintenance of their roads; and said Company may, from time to time, as it may be required, increase their capital stock to an amount not to exceed one million dollars.

Sec. 4. The affairs of said Company shall be managed by a Board of Directors, in number not more than seven nor less than five—said Directors to be elected by the stockholders from their number at their annual meeting. Said Directors shall elect one of their number to be the President of the Board; and they shall designate all officers of the Company, and shall manage its affairs under rules and by-laws to be made by the Board and approved by a majority of the stockholders.

Sec. 5. Said Company shall have a common seal, and shall be subject to be sued at law, and shall have the right to sue, and the right to buy and hold property for the use of the Company, and to sell and convey the same; but no property shall be bought or sold, nor shall there be any material extension of said roads, or change or removal of main tracks or routes, except by consent of three-fourths of the stockholders; voting under the rules of the Company. Any action of three-fourths of the stockholders so voting shall be binding on all.

Sec. 6. It shall be lawful for the corporators named in this Act, and their associates, subscribers to the stock of the Galveston City Railroad, to organize this Company immediately after the passage of this Act; and the officers then and thereafter elected shall hold their offices until their successors are elected. This charter shall continue in force for the period of fifteen years. The legal domicile and place of business of said Company shall be the city of Galveston, Texas.

Sec. 7. That this Act be in force from and after its passage.

Approved October 8, 1866.

CHAPTER LVI.

An Act for the Relief of Thomas McGehee.

Section 1. Be it enacted by the Legislature of the State of Texas. That the Commissioner of the General Land Office is hereby authorized and required, to cancel so much of said Thos. McGehee's grant as conflicts with the said Juan Martin Verimenda grant: and issue a certificate, in the name of Thomas McGehee, in lieu of the quantity so canceled, which may be patented upon the public land, as other land claims.

Sec. 2. That this Act be in force and take effect from and after its passage.

Approved October 8, 1866.

CHAPTER LVII.

An Act for the Relief of the Heirs of Daniel P. Coit, deceased.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office of this State be, and is hereby authorized and required to issue to the heirs of Daniel P. Coit, deceased, a certificate for one league of land, being the quantity of land which the said Daniel P. Coit was entitled to, under the Colonization Laws of Texas; Provided, that the title heretofore granted to the said Daniel P. Coit for one league of land, located in Liberty county, is hereby canceled; and further provided, the grant hereby made to the heirs of said Coit, shall not prejudice the right of any bona fide purchaser from said Coit, in his life time; and this Act be in force from and after its passage.

Approved October 8, 1866.

CHAP LVIII.

An Act for the Relief of the Brazos Manufacturing Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Brazos Manufacturing Company, incorporated by an act entitled "An Act to incorporate the Brazos Manufacturing Company," approved December the sixteenth, eighteen hundred and sixty-three, shall have three years from and after the passage of this Act, within which to put their Manufactory in successful operation; and that no forfeiture of their charter shall take place from their failure to comply with the provisions of the 8th section of the said act of incorporation, for the term of three years from and after the passage of this Act.

Sec. 2. And that his Act shall take effect from and after its passage.

Approved October 10, 1866.

CHAPTER LIX.

An Act for the Relief of James M. Odell.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office is hereby authorized to patent the Unconditional Certificate, issued to James M. Odell, by the Board of Commissioners for San Augustine county, for six hundred and forty acres, as other land claims are located and patented.

Sec. 2. That this Act be in force from and after its passage.

Approved October 10, 1866.

CHAPTER LX.

An Act to Incorporate the San Antonio Commercial Club.

Section 1. Be it enacted by the Legislature of the State of Texas, That John Withers, G. Sleicher, Thomas G. Williams, A. G. Dickinson and J. H. Kampman, together with their associates, be, and they are hereby constituted, a body politic and corporate for social purposes, and for the encouragement of literary and commercial pursuits, under the name and style of the San Antonio Commercial Club, and by that name shall have succession, and be capable of suing and being sued, of defending and being defended, in any of the courts of this State, to acquire and hold estate real, personal and mixed, to the amount of not more than fifty thousand dollars, to encumber, sell, or otherwise alienate the same, as said Association may deem proper.

Sec. 2. That said Association shall have power to enact rules and regulations for its government, and to alter the same; Provided, the same shall not be contrary to, or inconsistent with the Constitution and laws of this State.

Sec. 3. That this Act shall take effect from and after its passage, and continue in force for thirty years, and no longer.

Approved October 10, 1866.

CHAPTER LXI.

An Act to Incorporate the town of Lampasas in Lampasas County.

Section 1. Be it enacted by the Legislature of the State of Texas, That the citizens of the town of Lampasas, in Lampasas county, within the following limits, to-wit: Beginning on the bank of the Sulphur Fork of Lampasas where intersected by the west line of the town plot; thence along said line to intersection with tract of W. H. Storms, continuous on his line to corner; thence, including said Storms' survey, and the original town plot of the town of Lampasas, to the mouth of Burleson's Creek, thence up Sulphur Fork to the place of beginning, be, and they are hereby declared a body politic and corporate, under the name and style of the "Corporation of the town of Lampasas," and by that name shall have power to sue and be sued, plead and be impleaded, and to hold and dispose of real and personal property; Provided, such real property is situated within the limits of said Corporation.

Sec. 2. That it shall be the duty of the citizens of said Corporation to elect a Mayor, five Aldermen, a Collector and a Constable, and a Treasurer and Secretary, shall be selected by said Aldermen, from their own body. The Treasurer and Collector shall be required to give bond, with security, to be approved by the presiding officer, for the faithful performance of their duties, and to make reports when required by the Mayor and Board of Aldermen, and the Mayor shall have power when necessary, to suppress riots and disturbances, to call out the citizens of said Corporation for the purpose of restoring order, and the Collector to act as Assessor, if so required by the Board of Aldermen.

Sec. 3. That the first election shall be held under the County Judge of said County, after having given ten days notice thereof, and annually thereafter, under the direction of the Mayor, after at least ten days notice before said election, and in case of death, or resignation, the vacancy or vacancies, shall be filled by a new election, as ordered by the Mayor, and in case the office of Mayor shall be vacant the Aldermen shall elect one of their own body to act as Mayor until the next annual election.

Sec. 4. That no person shall be eligible to any office under the provisions of this charter, who is not a qualified voter of this State, and resident within the limits of this Corporation, nor

shall any person have a right to vote for officers who is not a qualified voter, and resident within said corporate limits.

Sec. 5. That the Mayor and Board of Aldermen of said Corporation shall have power to pass such Rules and Ordinances as may be necessary for the regulation of the Police, and the preservation of order within the corporate limits, to levy taxes, for the removal of nuisances and keeping the streets in good order, and to prescribe penalties for the violation of the Ordinances and By-Laws of the Corporation; Provided, that in no case such penalties shall exceed one hundred dollars.

Sec. 6. That the Mayor, with a majority of said Aldermen, shall constitute a quorum for the transaction of business, and shall enact and enforce such rules and regulations as they may deem necessary for the government of said Corporation; Provided, that the same do not conflict with the Constitution and laws of this State.

Sec. 7. And that this Act take effect and be in force from and after its passage, and continue in force for thirty years.

Approved October 10, 1866.

CHAPTER LXII.

An Act making appropriation to pay Joseph Dunlap for Conveying eleven persons from Kansas, to their homes in Texas, who were captured by Indians, and recovered at the U. S. Post, in Kansas.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Comptroller of Public Accounts be, and he is hereby authorized to draw his warrant upon the Treasurer of the State, for the sum of two thousand dollars, in favor of Joseph Dunlap, and that the Treasurer be required to pay the same, and that the sum of two thousand dollars in currency, is hereby appropriated out of any funds in the Treasury, not otherwise appropriated, to pay the same.

Sec. 2. That this Act take effect from and after its passage.

Approved October 11, 1866.

CHAPTER LXIII.

An Act for the Relief of the heirs of William Berryman.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be authorized and required, to cancel the title to one league of land, granted in the year 1834, to William Berryman, (the same having been located over an older title,) and to issue in lieu thereof, to the heirs of William Berryman, a certificate for one league of land, which may be located on any of the vacant public domain of the State of Texas; Provided, That no rights arising under any sale or contract, or contract of sale by William Berryman, in his life time, shall be prejudiced or impaired by the issuance of this certificate to the heirs.

Sec. 2. This Act to take effect from and after its passage.

Approved October 11, 1866.

CHAPTER LXIV.

An Act to amend the third Section of an Act approved 11 February, 1860, entitled an Act to incorporate the Southern Cotton Press and Manufacturing Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That the third section of the above recited Act, approved February 11, 1860, be, and the same is hereby amended, and shall read as follows:

Sec. 3. That the capital stock of said Company shall not at any time, exceed one million of dollars, to be divided into shares of one hundred dollars each, and the holders of such shares shall constitute said Company, and each member shall be entitled to one vote, in person, or by written proxy, for each and every share he, or she, may own upon the books of the Company, and under such rules and regulations as may from time to time, be prescribed by the By Laws of said Company.

Sec. 2. That this Act take effect and be in force from and after its passage.

Approved October 11, 1866.

CHAPTER LXV.

An Act for the Relief of the town of Bastrop.

Section 1. Be it enacted by the Legislature of the State of Texas, That the County Surveyor of Bastrop county, be, and he is hereby authorized and empowered to survey, and plainly mark the boundary line of the land belonging to said Corporation. The plat and certificate of said Surveyor shall be filed and recorded in the Records of Deeds of Bastrop County, and shall be evidence of the boundary of said Corporation lands; and the cost of said surveying shall be paid by said Corporation.

Sec. 2. That the Judge of the County Court shall cause an election to be held in said town, at as early a day as practicable, from and after the passage of this Act, for Mayor and Aldermen of said town, who shall hold their offices from the date of their installation, until the first Monday in January, 1867, and from that date until the next regular election for Mayor and Aldermen, as provided by the charter of said Corporation.

Sec. 3. That this Act take effect and be in force from and after its passage.

Approved October 11, 1866.

CHAPTER LXVI.

An Act to Incorporate the Galveston Bay Bridge Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That John S. Jones and Ephraim McLean, of the county of Galveston, their associates and successors, be, and they are hereby constituted, a body corporate and politic, under the name and style of "The Galveston Bay Bridge Company," and under the name and style aforesaid, may sue and be sued, plead and be impleaded, defend and be defended, in all courts whatever, in this State, and may have a common seal, and change the same at pleasure.

Sec. 2. That the said persons, their associates and successors, under the name and style aforesaid, shall be authorized to construct a bridge from the main land lying on Galveston Bay, to Galveston Island, at Caranchua Reef, and to purchase and hold property, real and personal, or mixed, as far as necessary

for the construction and maintenance of said Bridge, and to do, and perform, all other work that may be necessary in the premises, not in conflict with the Constitution and laws of this State.

Sec. 3. That the said Corporation may enact such By Laws and Rules, for the management of their affairs, as may be consistent with the Constitution and laws of the State. They may have power to elect a Director, by whom the business of the Company may be conducted, and whose name shall be made known to the public.

Sec. 4. That the said Corporation shall commence the construction of said Bridge, within twelve months from the passage of this Act, otherwise this charter shall be null and void.

Sec. 5. That said Company shall be authorized to charge tolls; Provided, that these tolls shall never exceed the following rates, to-wit: Road wagon, with more than two horses, or more than one yoke of oxen, two dollars; wagon with two horses, or one yoke of oxen, one dollar; one-horse wagon, one dollar; carriage drawn by two horses, two dollars; carriage or buggy, drawn by one horse, one dollar; horse and rider, one dollar; horses and cattle, fifty cents per head; hogs, sheep and goats, and calves, ten cents per head; foot passengers, twenty-five cents each; rovided, that these rates shall be charged for loaded wagons, carts, carriages and buggies; for empty vehicles, half of the rates specified above, shall be charged.

Sec. 6. That this Act shall grant the exclusive privilege to the parties herein named, and their successors, to build a Bridge within the place named, and no charter, act of incorporation, or privilege, shall be granted, which will impair the same, or give the right to build any other Bridge within five miles of the Bridge named ia this Act.

Sec. 7. That inasmuch as this Bridge is to be constructed over a navigable Bay, that the said Corporators shall cause to be built such draw, or draws, as shall be necessary to prevent any obstruction to navigation, and that a suitable person, or persons, shall always be convenient to the said draw-bridge, to raise it, and allow the passage of vessels, and lower it, for the passage of persons, vehicles or stock.

Sec. 8. That as it may be necessary for the corporators herein mentioned, to take possession of, and appropriate to their use, certain lands necessary for the construction and maintenance of said bridge, they shall, by this Act, be allowed to do so; Provided, That in all cases where land is so appropriated, a fair compensation shall be offered to the owner thereof, for the same; and if he shall refuse it, then one commissioner shall be chosen

by the party owning the land, and one by the corporators mentioned in this Act, and the Mayor of the city of Galveston shall be required to act as umpire between them, and it shall be the duty of said arbitrators to determine the amount of damages done, and their decision shall be in no way affected by the enhanced value of the land, consequent upon the construction of the Bridge, but shall be governed exclusively by the actual value of said land, and the amount of damage done to it; and further provided, that in case either party shall consider themselves aggrieved by the award of the arbitrators, they shall have the right of appeal to any court of competent jurisdiction, but in all cases where an appeal taken from the arbitration, and is not sustained by the court to whom it is referred, then the party making the appeal shall be liable for all costs that may accrue in the cause.

Sec. 9. That this Act shall be in force from and after its passage, and shall continue for thirty-five years.

Approved October 11, 1866.

CHAPTER LXVII.

An Act supplementary to an act entitled An Act incorporating the city of Jefferson, in Marion county, approved September 11, 1866.

Section 1. Be it enacted by the Legislature of the State of Texas, That the first election for Mayor and Aldermen, under the above entitled act, shall be held on the 22d day of October, 1866, and on the second Monday of October of each and every year thereafter.

Approved October 11, 1866.

CHAPTER LXVIII.

An Act to incorporate the town of Wharton, in Wharton county.

Section 1. Be it enacted by the Legislature of the State of Texas, That the citizens in the town of Wharton, in the county of Wharton, be, and are hereby declared, a body corporate, by the name and style of the town of Wharton, and by that name

may sue and be sued, plead and be impleaded, and may hold and dispose of real and personal estate.

Sec. 2. That the bounds and limits of said corporation shall include one half a mile square, to be run with the cardinal points of the compass, of which the court-house in said town shall be the center.

Sec. 3. That no person shall be eligible to office in said corporation unless such person shall be a qualified voter in said corporation, and unless he shall have resided in the State for twelve months, and in said corporation for four months.

Sec. 4. That the qualified voters of said corporation shall elect a Mayor and four Aldermen, and the Mayor shall hold his office for the term of two years, and until his successor shall be elected and qualified, and the Aldermen shall hold their office for the term of one year, and until their successors shall be elected and qualified.

Sec. 5. That there shall be a Constable, Treasurer and Recorder, and Attorney for said corporation, who shall hold their offices for the term of one year, and until their successors shall be appointed and qualified; and said officers shall be appointed at a regular meeting of the board of Aldermen and Mayor, by vote of the majority present; said appointment shall be made as soon as practicable, after the Aldermen shall have received their certificates of election; and such other officers shall be elected or appointed from time to time, under the requirements of this act, as the board of Aldermen shall deem necessary, and provide by ordinance.

Sec. 6. That elections for Mayor and Aldermen shall be held in the town of Wharton, at such times and place as the board of Aldermen may designate, and said board shall appoint judges and clerk of said election, who shall take an oath to faithfully and impartially conduct said election, and make due return thereof; they shall open the polls for said election at 10 o'clock, a. m., and close at 4, p. m., on the day of election, and shall, within twenty-four hours thereafter, make returns of said election to the Mayor, or in case of his absence, then to the Recorder and board of Aldermen, who shall open such returns, and determine the result of said election, and immediately issue certificates of election to the persons elected.

Sec. 7. That whenever an election for Mayor shall be contested, the same shall be determined by the board of Aldermen; and should the election of any one of the Aldermen be contested, any two of the Aldermen and the Mayor shall decide such contest.

Sec. 8. That in case of vacancy in the office of Mayor the board of Aldermen shall order an election for a Mayor to fill the unexpired term, and said election shall be held as provided in this act for regular elections for Mayor and Aldermen; and in case of a vacancy in the office of Alderman, Constable, Treasurer, Recorder, or Attorney, such vacancy shall be filled at a regular meeting of the board of Aldermen, by the nomination of the Mayor, and a vote of two-thirds of the Aldermen present; and the person so elected, shall hold his office for the unexpired term.

Sec. 9. In case of the temporary absence of the Mayor, the board of Aldermen shall have power to appoint one of their number, to act as Mayor pro tem., who shall have the same power and privilege as the Mayor elected, and such appointment shall expire on the return of the Mayor.

Sec. 10. That the Mayor, when present, shall preside over the board of Aldermen, and in case of a tie, shall give the casting vote, and two of the Aldermen and the Mayor shall constitute a quorum for the transaction of business.

Sec. 11. That the Mayor, in addition to his power and jurisdiction as such, is hereby vested with all the criminal jurisdiction within said corporation, which may be by law exercised by Justice of the Peace, under the laws of this State, and he shall be entitled to receive such fees as are or may be by law allowed to Justice of the Peace for similar services.

Sec. 12. That the Mayor, Constable, Treasurer, Recorder, or Attorney, of said corporation, may be removed from office for any neglect, misdemeanor, or malfeasance in office, by a vote of two-thirds of the Aldermen, at a regular meeting of the board.

Sec. 13. That the Mayor and board of Aldermen shall have the power to enact such by-laws and ordinances for the government of said corporation, and for the quiet, peace and happiness of the citizens of the same, not inconsistent with the Constitution and laws of this State, as may be deemed proper, and may impose fines for the violation of the same, not to exceed one hundred dollars in any one case.

Sec. 14. That the Mayor and board of Aldermen shall have and exercise control over the public square, streets and roads, within said corporation, and may compel all male persons residing in said corporation, to work on the same; provided, they are subject to road duty, under the laws of the State: provided, further, that such persons shall not be required to work more than ten days in any one year, and shall be exempted from all other road duty in said county: and the board may impose such fines

for failure to work, when so required, as they may deem necessary.

Sec. 15. That the board of Aldermen shall have the power to levy and provide for the collection of an ad valorem tax on property situate in said corporation, taxable by the laws of this State, and also the power to levy and collect a poll tax of one dollar each, on all male residents of said corporation, over the age of twenty-one years, and under fifty-five years, which said tax shall be collected as may be provided by the by-laws of said corporation; provided, said ad valorem tax shall not exceed the tax now levied and collected by the State of Texas.

Sec. 16. That the board of Aldermen shall have the power to license, tax, and regulate hawkers, pedlers, auctioneers, theatrical, and other exhibitions, shows, and amusements, billiard tables, nine or ten pin alleys, tippling-houses, dram shops, groceries, and to determine the amount of tax on the same, and to suppress gaming, or gambling houses, by whatever name or description known, and all disorderly houses.

Sec. 17. That all the officers of said corporation, before entering upon the duties of their office, shall take and subscribe the oath prescribed by the Constitution, and that the Mayor, Constable, and Treasurer, shall also enter into bond, with two good securities, to be approved by the board of Aldermen, for the faithful performance of the duties of their office, payable to said corporation, in such sum as the board of Aldermen shall require, which said bond shall not be void on the first recovery, but may be sued on from time to time, in the name of any person injured by a breach thereof, until the whole of the penalty is recovered.

Sec. 18. That the Constable, in addition to his powers and privileges as such, be and is hereby vested with all the powers and privileges which are, or may be, by law, exercised by the Constable of the Beat in which said corporation is situate; and for all services which may be rendered by him, he shall have the same fees as are or may be allowed by law to Constables of the Beat for similar services.

Sec. 19. That the fees of the Aldermen shall be three dollars each, for each and every regular meeting of the board of Aldermen at which they may be in attendance; that the fees of the Recorder shall be three dollars per day for each and every day that he may be in attendance; that the fees of the Treasurer shall not exceed five per centum upon all monies received by him, and five per centum upon all monies paid out by him; that the Corporation Attorney shall be entitled to have and receive five dollars for each and every conviction under this act and the

by-laws of said corporation, which fee the Mayor shall include and tax in the bill of costs on said conviction; provided, that when any person shall have committed any offence against the law of said corporation, and shall plead guilty of the same, said attorney fee shall not be allowed and taxed, and the board of Aldermen shall have the power to regulate and fix the compensation of the officers of said corporation, not definitely fixed and provided for in this act.

Sec. 20. That in all prosecutions, trials, and proceeding, under the provisions of this act, and the by-laws of said corporation, the Mayor shall have power to call a jury, in like manner as Justice of the Peace, under the general laws of the State, and the Mayor and Constable shall be governed by the laws regulating procedure in Justices' court, in force at the time of said prosecutions, trials and proceedings, and shall be entitled to the same fees that Justices of the Peace and Constables are then allowed for similar services.

Sec. 21. That the first election of officers under the provisions of this act shall take place on the first Monday in October, 1866; and if no election is had on said day, then as soon thereafter as practicable; and it shall be the duty of the County Judge of Wharton county to order an election for Mayor and Aldermen for the same; said election to be conducted and held as elections for Justices of the peace; and the said County Judge shall issue certificates of elections to the persons elected, and administer to them the oath of office at any time within five days after the votes are counted out, and shall fix the amount of, and take and approve the first bond of the Mayor.

Sec. 22. That this Act take effect and be in force from and after its passage.

Approved October 11, 1866.

CHAPTER LXIX.

An Act to incorporate the Cedar Creek Bridge Company.

Section. 1. Be it enacted by the Legislature of the State of Texas, That John W. Box, his associates and successors, are hereby constituted and declared to be a body politic, under the name and style of the Cedar Creek Bridge Company.

Sec. 2. That the said John W. Box, his associates and successors, under the name and style aforesaid, may sue and be sued,

plead and be impleaded, defend and be defended, in all courts of the State of Texas, in all matters pertaining to the objects of this Act, and may have a common seal, and may alter it at pleasure.

Sec. 3. That said company, under the name and style aforesaid, shall be authorized to construct a bridge across Cedar Creek, in Henderson county, at or near where the road from Athens to Porter's Bluff, on the Trinity River, crosses said creek, and purchase and hold property, real personal or mixed, as far as necessary for the construction and maintenance of said bridge, and to do all other works, and perform all other acts that may be necessary, not contrary to the Constitution and laws of this State.

Sec. 4. That said bridge shall be completed by the first day of September, 1867; after said bridge shall have been completed and the Police Court notified of the fact, it shall be the duty of said Court to appoint two Commissioners, whose duty it shall be to examine said bridge, and if found to be constructed in accordance with the provisions of this Act, they shall report the fact to the Police Court, who shall issue a certificate to the said John W. Box, his associates and successors, and the said John W. Box, his associates and successors, shall be entitled to charge such toll as the Police Court may order; the rates of toll to be entered on the minutes of the Court.

Sec. 5. That said company be and it is hereby required to keep said bridge in good repair, and to keep in constant attendance, at the toll gate of the same, a sufficient number of persons to admit persons and property to cross at any time by day or night.

Sec. 6. That the privileges granted in this charter to said company shall cease after the expiration of twenty years from and after the passage of this Act, and no person or persons or corporation shall have the right to build a bridge or keep a ferry on said creek, within three miles of said bridge.

Sec. 7. That the Police Court of Henderson county may, at any time, after the construction of said bridge, have the privilege of paying the fair valuation of the same to the said company and take the ownership and control of it, which, if the same cannot be agreed upon between said Court and Company, shall be decided by two disinterested persons, one to be chosen by the Company, and the other by the Police Court.

Sec. 8. That this Act take effect and be in force from and after its passage.

Approved October 11, 1866.

CHAPTER LXX.

An Act to incorporate the Texas Navigation Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That R. & D. G. Mills, B. A. Shepherd, T. W. House, Fred. Stanley, John Nagle, David Conner, Samuel W. Allen, their associates, successors and assigns, are hereby created a body politic and corporate, under the name and style of the Texas Navigation Company; and by that name can sue and be sued, plead and be impleaded, contract and be contracted with, and to do and perform all such acts and things as may be necessary for the successful carrying out and affecting the objects of this Act.

Sec. 2. That said company is hereby invested with the right to own, operate and maintain, a line of steamships, steamboats and barges as may be necessary for the purpose of transporting freight and passengers from one point to another, on and contiguous to the navigable waters of this State.

Sec. 3. That the capital stock of said company shall not exceed five hundred thousand dollars, to be divided into shares of five hundred dollars each, which shall be transferable only on the books of said company.

Sec. 4. That the affairs of said company shall be managed and controlled by a Board of Directors, not exceeding seven in number, who shall be elected by and from the stockholders, and said Directors shall elect one of their number President; and shall have the right to make such By-Laws, and appoint such offices and agents as may be necessary for the further government of said company.

Sec. 5. That this Act be in force from and after its passage for a period of twenty-five years, and not longer.

Approved October 11, 1866.

CHAPTER LXXI.

An Act to incorporate the Houston Direct Navigation Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That C. L. Longcope, R. J. Willis, J. H. Sterrett, William M. Rice, T. M. Bagby, J. R. Morris, S. L. Hohenthal, E. H. Schmidt, L. L. Allen, A. Sessums and J. L. Latham, their associates and successors be, and they are hereby established a

body corporate, under the name of "The Houston Direct Navigation Company," with authority, in said corporate name, to contract, to make by-laws for its regulation and government, to sue and be sued, to plead and be impleaded, to grant and sell, purchase and receive both personal and real estate, to have a corporate seal, and generally to do and perform all such acts and things as may be necessary and proper for, or incident to, the fulfillment of its obligations, or the maintenance of its rights, under this Act, and consistent with the Constitution of the State.

Sec. 2. That the organization of said company, already effected, under which C. L. Longcope is President and R. J. Willis is Vice President, and William M. Rice, J. R. Morris, S. L. Hohenthal, E. H. Schmidt and A. Sessums are Directors, shall be recognized as a legal and valid organization of said company; and said organization shall continue until the first day of July, A. D., 1867, when there shall be a new election for President and Vice President and Directors, which shall be held annually thereafter.

Sec. 3. Said company, in the administration of its affairs, shall be controlled by a President, Vice President and five Directors, all of whom shall be chosen annually, on the first day of July, by the stockholders of the company. No person, who is not a stockholder in the company, shall be eligible to the position of Director. The Directors shall have power to fill any vacancy that may occur in the Board of Directors, from non-election, death, resignation, or otherwise, and may appoint a Secretary, Treasurer, and such other officers and agents as they may consider necessary and proper, and prescribe and require bonds for the faithful performance of their duties, they may, if not otherwise determined by the laws prescribed, the manner of conducting all meetings, the number of members that shall constitute a quorum, and to do, or cause to be done, all other matters and things in accordance with law, which they may deem necessary and proper, in conducting the affairs of the company; they shall keep, or cause to be kept, accurate records of the proceedings of all meetings of the Directors and Company, and accurate books and accounts of the receipts and expenditures of the company, which shall be open to the stockholders. A majority of the Board of Directors shall have the authority of a full board, and all conveyances and contracts, in writing, executed by the President and countersigned by the Secretary, under the seal of the company, and in pursuance of a vote of said Directors, shall be valid and binding.

Sec. 4. That said company is invested with authority to im-

prove the navigation of Buffalo Bayou by widening and deepening the same, and to improve, by dredging or otherwise, navigation over Red Fish Bar, and over any other bars between the mouth of Buffalo Bayou and Galveston Harbor; Provided, however, that nothing herein contained shall be construed to grant said company exclusive right to navigate and improve any of said waters; And provided further, that the improvement of the navigation of said waters shall be, at all times, subject to the control and direction of such State Engineer as may be hereafter appointed.

Sec. 5. That the capital stock of said company shall be one hundred and fifty thousand dollars, to be divided into shares of five hundred dollars each; each share shall entitle the owner to one vote at the meetings of the company, the ownership of the original shares to be determined by the exhibit of the original certificate, duly assigned, if not in the hands of the first holders, or proof of their ownership; said company is authorized to increase its capital stock to one million of dollars, as may be required by the increasing demands of commerce, and no one shall be considered a stockholder until the full amount of the share or shares taken by him shall have been paid in by him.

Sec. 6. That said company shall have power to dispose of the shares in said capital stock, in such manner and on such terms as it may deem best for the interest of the company; any agreement, in writing, whereby any one shall become a subscriber for stock, may be enforced against him according to its terms; and all contracts made by the company shall be in writing, and executed in such form as, the by-laws of the company may prescribe.

Sec. 7. That said company shall have power to borrow money, on their bonds, provided three-fifths of the Directors shall vote for the same, and to secure said bonds by mortgage on the steamers, propellers, barges and wharves of the company, the borrowing to be at such a rate of interest as the Directors may determine.

Sec. 8. That a vote of the Stockholders, representing two-thirds of the stock, shall be sufficient, at any time, to remove any Board of Directors, and appoint others in their stead; Provided, That any meeting for such purpose shall only be called by a notice to that effect, published for four successive weeks, in a newspaper, printed in the city of Houston, and signed by one-fourth of the stockholders.

Sec. 9. That the principal office of said company shall be located in the city of Houston.

Sec. 10. That the company shall, within six months after the passage of this charter, through the Legislature, have on the waters of Buffalo Bayou and of Galveston Bay and Harbor, a sufficient number of steamers, barges and propellers, to meet the demands of commerce on said company, and they shall be subject in the transportation of freight to the laws applicable to Common Carriers.

Sec. 11. That the President and Directors of said company shall, in accordance with by-laws to be passed for that purpose, annually or semi-annually divide among the stockholders thereof, so much of the profits of the company as in their discretion they shall deem safe, but no dividend of any of the profits shall be made unless the capital paid in remain unimpaired.

Sec. 12. The officers of said company shall, during the month of June in each year, cause a full and accurate statement of the affairs of the company to be made out, which shall be signed by the President and Secretary, and submitted for the inspection of the stockholders at their annual meetings.

Sec. 13. The rates of freight transported by the company to include every charge of every description, shall be entered on through bills of lading, so as to enable the planter to ascertain, before shipping, the exact amount of all charges on freight to the point of destination, by referring to his bill of lading.

Sec. 14. The President and Vice President shall each vote as Director in all meetings of the Board of Directors.

Sec. 15. That this corporation is hereby invested with all the rights and powers necessary to the accomplishment of its chartered objects, but nothing herein contained shall be construed into enabling it to exercise banking privileges.

Sec. 16. This Act to take effect from its passage.

Passed October 9, 1866.

CHAPTER LXXII.

An Act for the relief of the heirs of Peyton S. Wyatt.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized to issue a patent to the heirs of Peyton S. Wyatt, or their assignees, for three hundred and twenty acres of land, on the bounty certificate number 935, issued to Peyton S. Wyatt, for three hundred and twenty acres

of land, by Bernard E. Bee, Secretary of War, on the 12th day of December, A. D. 1837, now on file in the General Land Office.

Sec. 2. That this Act take effect and be in force from and after its passage.

Approved October 15, 1866.

CHAPTER LXXIII.

An Act to revive the incorporation of the town of Linden, Davis County, formerly Cass County, passed the twenty-fourth day of January, eighteen hundred and fifty-six.

Section 1. Be it enacted by the Legislature of the State of Texas, That the citizens of the town of Linden, Davis county, be, and they are hereby declared a body politic and corporate, under the name and style of the "Corporation of the Town of Linden," by which name they may sue and be sued, plead and be impleaded, and acquire and hold real and personal property within the limits of said corporation, and at their pleasure sell and dispose of the same.

Sec. 2. That the limits of said corporation shall extend one mile, in a square, so laid off as to leave the public square in the center of said corporation.

Sec. 3. That it shall be the duty of the County Judge of the county to order an election, to be held as early as practicable after the passage of this Act, giving five days' notice thereof, by posting notices of said election in at least three public places in said town, for the election of one Mayor and five Aldermen, and a constable, who shall hold their offices for the term of one year from the time of their election, and until their successors are duly qualified. The said Mayor and Aldermen shall elect, from their own body, a Secretary and Treasurer. The Treasurer and Constable shall be required to give bond, with security, to be approved of by the Mayor, for the faithful performance of their duties, and to make reports when required by the Mayor and Aldermen. The Mayor shall have and exercise all the powers and jurisdiction of a Justice of the Peace; and before entering upon the duties of his office, he shall take the oath prescribed in the Constitution, and give such bond, with securities, as Justices of the Peace are required to give. The Constable shall have and exercise all the powers and discharge all the duties

within said corporation of a Constable of the county; and before entering upon the duties of his office, he shall give bond with security to be approved by the Mayor.

Sec. 4. That the Mayor and Board of Aldermen of said corporation shall have power to pass such rules and ordinances as may be necessary for the regulation of the police and the preservation of order within the limits of said corporation; to levy taxes for the removal of nuisances and keeping the streets in good order, and for other purposes that may be deemed for the good of the town; and to call out the citizens subject to road duty to work the streets; provided, that no person shall be required to work more than ten days in any one year, and they shall be exempt from all road duty in the limits of the county of Davis; and prescribe penalties for violation of said ordinances or by-laws; provided, that in no case it shall exceed the sum of one hundred dollars.

Sec. 5. That the Mayor, with a majority of said Aldermen, shall constitute a quorum for the transaction of business. They may enact and enforce such rules and regulations as they may deem necessary for the government of the said corporation; Provided, That the same do not conflict with the Constitution or laws of this State.

Sec. 6. That no person shall be eligible to hold an office in said corporation, or to vote for the officers thereof, unless he be a citizen of the State, and shall have resided in the limits of said corporation six months immediately preceding such election; Provided, That all persons living in said corporation legally qualified to vote in other elections, shall be entitled to vote and hold office at the first election.

Sec. 7. That it shall be the duty of the Mayor to cause an election to be held annually at least ten days before the expiration of his office, after giving at least ten days' notice thereof, by posting notices of said election in at least three public places in said town, for a Mayor and Aldermen and Constable, who shall enter upon the duties of their offices respectively, upon the expiration of the term of their predecessors.

Sec. 8. That in case of the failure of the Mayor to order and hold such election, as specified in the foregoing sections, then any three citizens within the limits of said corporation may, after giving ten days' notice, order and hold such election.

Sec. 9. That this Act take effect and be in force from and after its passage.

Approved October 15, 1866.

CHAPTER LXXIV.

An Act to incorporate the Orange, Jasper and Henderson Railroad Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That Wm. Smith, Lipscomb Norvell, Jr., Lewis V. Greer, David R. Wingate, James Lee, Abel Adams, M. Cartright, Middleton Neyland, William A. Ferguson, Stephen W. Blount and John G. Berry, and their associates, or a majority of them, be, and they are hereby created and established a body corporate and politic, under the name of the Orange, Jasper and Henderson Railroad Company, with capacity in said corporate name to make contracts; to have succession and a common seal; to make by-laws for the government and regulation of said Company; to sue and be sued; to plead and be impleaded; to grant and receive, and generally to do and perform all such acts as may be necessary or proper or incidental to the fulfillment of its obligations or maintenance of its rights under this Act and in accordance with the Constitution of the State of Texas.

Sec. 2. That the said Company be, and are hereby invested with the rights of locating, constructing, owning and maintaining a railway, commencing at Orange on the Sabine river, in Orange county, running via or near the towns of Jasper in Jasper county, San Augustine, in San Augustine county, to Henderson, in Rusk county, with the privilege of extending said road so as to tap and connect with the Southern Pacific Railroad.

Sec. 3. That the parties named in this Act, or a majority of them, with such as may be associated with them, are hereby appointed commissioners, and invested with the right of forming and organizing said Company, and of exercising the power of directors until directors are chosen, which shall be within twelve months from the passage of this Act, when the powers of the commissioners shall cease.

Sec. 4. That the capital stock of said Company shall be five millions of dollars, divided into one hundred thousand shares of fifty dollars each, and each share entitling the owner thereof to one vote, in person or by written proxy, at all meetings of the stockholders, and the shares shall be deemed personal estate, and shall be transferable by any conveyance in writing, recorded on the books of the Company kept for that purpose, at such point on the line of said railroad as the directors may appoint.

Sec. 5. That the affairs and business of said Company shall be conducted and managed by a Board of Directors, not less

than five in number, who shall be elected at the general meeting of said stockholders, to be held annually. They shall hold their office for twelve months, and until their successors are elected. The time for the first election shall be appointed by the corporators named in this Act, of which due and reasonable notice shall be given; and should the stockholders fail annually thereafter to meet and elect Directors as aforesaid, the Directors in office shall appoint a day for a special election, giving like notice. No person shall be eligible as Director unless he be the owner of ten shares of the capital stock. The said board shall elect a President from their number, fill vacancies, appoint a Treasurer and Secretary and such officers as they may deem necessary, and require security for the faithful performance of their duties; also, to prescribe the time for the payment of installments or assessments upon the stock, and amount of such installments or assessments; to declare the forfeiture of such stock for non-payment, and to do or cause to be done all other lawful acts or things which they may deem necessary or proper in conducting the business of said Company. The acts of a majority of said Board of Directors shall be valid and binding. Provided, That such conveyance and contract be made in conformity to the general railroad laws now existing or hereafter to be enacted.

Sec. 6. That the Directors shall have power to dispose of the capital stock in such manner and on such terms as they may deem best for the interest of the Company; and any agreement in writing, whereby any person may become a subscriber to the capital stock of said Company, may be enforced against him according to its terms: Provided, That this Company shall not issue any stock for less than its face value.

Sec. 7. That said Company shall have power to borrow money on their bonds or notes, at such rate as the Directors may deem expedient; Provided, however, That nothing in this Act shall be construed as to confer banking privileges of any kind.

Sec. 8. That it shall be the duty of said Company, whenever any State or county road now established shall be crossed by said railroad, shall (to) make and keep in repair good and sufficient causeways at such crossing; and in all cases, when any person shall own land on both sides of the railway, and there shall be no other convenient access from one point to the other, such owner shall have the right of passage free of cost, at all reasonable times, crossing said railway; and if said railway shall cross any navigable stream, it shall not interfere with the navigation of the same.

Sec. 9. The said Company shall have the right to charge

and receive such rates and prices for the transportation of passengers and for freights as shall not exceed five cents per hundred pounds for every hundred miles the same may be carried.

Sec. 10. That it shall be lawful for said Company to enter upon and hold in fee, for the purpose of locating, constructing and maintaining said railway, and as a right of way, any of the public domain through which said road may pass, not to exceed two hundred feet in width, and so much in addition thereto, at the proper points on the line of said road, as may be necessary for depots and other public buildings; and any other lands or lots, the property of individuals through which said road may pass, may be entered upon, taken possession of, and held in fee, for the purposes herein specified, by said Company, in the manner provided for in this Act; and that said Company, before entering upon and taking possession of any land, except public land, for the purposes specified in the next preceding section, shall agree with and pay the owner thereof the value of the real estate thus taken, together with the value of any other property that may be taken or destroyed by the seizure of said land, and together with the damages that may be done to the real estate or property of the owner of the land thus taken possession of by said Company; Provided, That if said Company and owner or owners can not agree upon the said value and damages, it shall be the duty of said Company to state, in writing, the real estate and property sought to be condemned, the name of the owner, and the object for which the same is sought to be condemned, and file the same with the County Judge of the county in which said property is situated; and thereupon, the County Judge shall appoint three disinterested freeholders of said county as special commissioners to assess said value and damages, giving preference to those that may be agreed upon between said Company and said owner; and it shall be the duty of said commissioners, when sworn by the County Judge, to assess said value of the property so condemned, together with the actual damages done the real estate and the property of said owner by the running said railroad and by the condemning of said real estate and property for the use aforesaid; and the said commissioners shall proceed to appoint a day and place, at the earliest practicable period, for hearing said parties; they shall, on the day and at the place appointed, fully hear said parties; they shall, if they choose, examine the land and property sought to be condemned, and then, under oath, assess, by the rule before mentioned, the value and damages—it being the duty of said Company to give to the owner five days' written notice before the sitting of said

commissioners; Provided, That either party, if dissatisfied with the decision of said commissioners, shall have the right to file a petition in the District Court, as in ordinary cases; Provided, That when said Company shall institute a suit in the District Court, in accordance with these provisions, the award or judgment that may be rendered in the District Court shall be a special lien on the said road-bed, track and franchise of said Company until the said award or judgment shall be discharged.

Sec. 11. That if the said Commissioners, in a proceeding before them, as provided for in the next preceding section, shall adjudge the Company to pay greater damages for the land taken, and the injury resulting therefrom, then said Company shall pay all costs, and the same rule shall determine the costs in the District Court; but should said owner, in the District Court, or before said commissioners, recover the same, or a less amount of damages than was offered by the Company, then he or they shall pay all costs.

Sec. 12. That there be granted to said Company all the grants, provisions and privileges of an Act entitled "An Act to encourage the construction of Railroads in Texas, by donations of land," approved January 30, 1854, and such other general laws of this State on the subject as are now or may hereafter be in force.

Sec. 13. That the said Company shall have completed, on or before the first day of January, A. D. 1870, at least twenty-five miles of said Railroad, and that there be completed each year thereafter twenty-five miles of road, until the whole be completed; and that no certificate for land shall be issued until twenty-five miles of said railroad be finished and in complete running order; and that, in case said Company shall fail to construct twenty five miles of said road, by the first day of January, 1870, that such failure shall operate as a forfeiture of the charter hereby granted.

Sec. 14. That books for subscription to the capital stock of said Railroad Company shall be opened within six months after the final passage of this Act, at the towns of Orange, Jasper, San Augustine and Henderson, on due notice of time and place being given by publication in some newspaper having general circulation in the several counties through which said railroad is to be located; and that an installment of not less than five per cent. shall be paid at the time of subscribing.

Sec. 15. That said Company shall have the right to commence the construction of said road at any point on the line of

said road that they may select and establish within twelve months after the final passage of this Act.

Sec. 16. That this Act of Incorporation shall continue ninety-nine years, unless sooner forfeited; and that this Act take effect and be in force from and after its passage.

Passed October 11, 1866.

CHAPTER LXXV.

An Act granting a Charter to James Farris and P. H. Mull to build a toll bridge across the East fork of Trinity river, at or near where the stage road crosses said stream leading from McKinney, in Collin County, to Bonham, in Fannin County, Texas.

Section 1. Be it enacted by the Legislature of the State of Texas That a Charter is hereby granted James Farris and P. H. Mull to build a toll bridge across the East Fork of Trinity River, at or near where the main stage road crosses said stream leading from McKinney, in Collin county, to Bonham, in Fannin county, Texas, the bridge to be built above ordinary high water mark, of good material, and in workmanlike manner, to be safe at all times for the crossing of teams, wagons and other travel passing the road, and the said Farris and Mull, their successors or assigns, shall be responsible for all damages which may occur by neglect or failure on their part to keep a bridge across said stream, or keeping the same, shall not have it safe, as provided by this Charter, damage to be collected by law, as damages in other cases.

Sec. 2. When they shall have completed the bridge and report the fact to the Police Court, the Court shall appoint one of the County Commissioners to examine the same, and if he shall report to the Court that the bridge is completed according to the requirements of this Charter, then the Police Court shall issue a certificate to said Farris and Mull, stating the bridge is so built, and set a rate of toll to be collected by them, their successors or assigns, upon which if any person shall cross and refuse to pay the toll, they shall be subject to damage, to be recovered by the builders, their successors or assigns by suit, as other damage is collected.

Sec. 3. The said Farris and Mull shall have until the first

day of July, 1867, to complete the bridge, and if not completed by that time, this Charter shall be null and void.

Sec. 4. The benefits of this Charter, when complied with, shall inure to said Farris and Mull for fifteen years from the date of its completion; and this Act take effect and be in force from and after its passage.

Approved October 18th, 1866.

CHAPTER LXXVI.

An Act to incorporate the Henderson, Marshall and Jefferson Railroad Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That Giles S. Boggas, sr., W. W. Morris, Mark Stroud, John G. Brown, Allen Gibson, John C. Murphy, B. F. Montgomery, J. W. Flanagan, W. M. Harrison, B. J. Terry, A. J. Bateman, Bass Nichols, N. A. Birge, R. P. Crump and J. H. Pratt, and their associates and successors, be, and they are hereby appointed Commissioners to open books and receive subscriptions to the capital stock of a Corporation to be styled the "Henderson, Marshall and Jefferson Railroad Company," but they shall receive no subscriptions to said capital stock unless five per cent thereof, in cash, be paid to them at the time of subscribing, and should they receive subscriptions to said stock without such payment, they shall be personally liable to pay the same to said Corporation when organized. A majority of said Commissioners shall constitute a quorum to do business, and they may hold their meetings at such times (and) places as a majority shall designate; provided, that public notice of all such meetings shall be given, by publication in some newspaper published in Henderson, Marshall or Jefferson, at least twenty days before any such meeting.

Sec. 2. That the subscribers to said capital stock, whenever they shall have elected Directors, in the manner hereinafter provided, shall be, and they are hereby created and established, a body corporate and politic, under the name and style of the "Henderson, Marshall and Jefferson Railroad Company," with capacity in said corporate name, to make contracts, to have succession, and a common seal, to make by laws for the government and regulation of the Company, to sue and be sued, to plead and be impleaded, to grant and receive, and generally to do and per-

form all such acts as may be necessary and proper for, or incident to the fulfillment of its obligations for the maintenance of its rights under this act, and in accordance with the Constitution and laws of the State.

Sec. 3. That the capital stock of said Corporation shall be one million of dollars, and it shall have power to increase the same to one and a half million of dollars. The said Corporation shall be, and is hereby invested with the right of locating, constructing, owning and maintaining a Railroad from a point at or near the town of Henderson, in Rusk county, thence in a northern direction or course, as surveys may determine to be most practicable, to the town of Marshall, in Harrison county, thence in a north-western course to the town of Jefferson, in Marion county, and said Company may extend their said road, from said town of Henderson, to the town of Rusk or other point in Cherokee county, so as to form a connection with any road or roads, that may hereafter be built in said Cherokee county.

Sec. 4. That the capital stock of said Company shall be divided into shares of one hundred dollars each; each share entitling the owner thereof to one vote, in person or by proxy, at all meetings of the Company, and the shares shall be deemed personal estate, and shall be transferable by any conveyance in writing, recorded either by the Treasurer, in books kept by him for that purpose, at his office, or by any other officers, duly authorized by the Directors, in books kept by him at such other place as the Directors may appoint; such transfers as are recorded in any other place, being within ninety days, communicated to the Treasurer, and by him entered on his books.

Sec. 5. That the immediate control and direction of the affairs of said Corporation, shall be vested in a Board of not less than five Directors; said Directors shall elect one of their own number to be President of the Company. Whenever one hundred thousand dollars of the capital stock of said Corporation shall have been subscribed and five per cent. thereof shall have been paid to the Commissioners hereinbefore named, they shall cause an election to be held by said subscribers, at the town of Henderson, in Rusk county, for not less than five Directors, having first given public notice of the time of said election, in some newspaper published in said county, after which the said Commissioners shall account for, and pay over to said Directors all such sums as they shall have received of the capital stock of said Company, first deducting a reasonable compensation for their services as Commissioners. No person shall be eligible to the office of Director, unless he be a subscriber or owner of at least

three shares of the capital stock. The Directors shall have the power to fill any vacancies in their body, arising from non-election or other cause; they shall have the power to appoint a Clerk, Treasurer or any other officer or agents, as they may deem necessary, and prescribe and require bonds for the faithful performance of their duties; they shall make all necessary rules and regulations for holding meetings, and all other things they may deem proper for the carrying out the provisions of this Charter, and business of the Company. They shall keep, or cause to be kept, correct records of all meetings of the Directors and Company, and accurate books and accounts of the receipts and expenditures of the Company, and all other books and accounts necessary and proper to be kept by such Company, which books shall be open to the inspection of the stockholders. A majority of the Board of Directors shall have the power of a full Board, and all conveyances and contracts executed in writing, signed by the President and countersigned by the Treasurer, or any officer duly authorized by the Directors, under the seal of the Company and in pursuance of a vote of the Directors, shall be valid and binding.

Sec. 6. That the Directors shall have the power to receive further subscriptions to the capital stock of said Corporation from time to time, until the full amount thereof shall have been subscribed, but five per cent. of all such subscriptions shall be paid in cash at the time of subscribing, and the Directors shall be personally liable to said Company for five per cent. of all subscriptions that they may receive to said capital stock without such payment; provided, however, that said Company may, by a vote of the majority of the stockholders, cause certificates of stock to be issued in payment of any debt contracted for the construction or equipment of their road; any agreement in writing, whereby any person shall become a subscriber to the capital stock of said Company, shall be enforced against him according to its terms. If any subscriber shall fail to pay any amount due upon shares subscribed for by him, according to the terms of his subscription, the Directors may, after twenty days public notice, sell at public auction, the shares subscribed for by said delinquent, and transfer to the purchaser of such shares; if the proceeds of sale shall not be sufficient to pay the amount due, with interests and charges, such delinquent shall be held liable to the Company for the deficit, and if the proceeds shall exceed the amount so due, with interest and charges, he shall be entitled to the surplus.

Sec. 7. That it may be lawful for the Company to purchase

and hold any land that may be necessary for the purpose of locating, constructing and maintaining said road, with all necessary depots and other buildings, and by their Engineers or agents, enter upon and take possession of all such lands as may be necessary for the locating, constructing and maintaining said railroad, and if they shall not be able to obtain such lands by agreement with the owner, they shall pay for the same such amount as shall be determined, in the manner provided for in the following section. The land so taken for the Railroad shall not exceed two hundred feet in width, and for depots and buildings only such further width as may be necessary.

Sec. 8. That any person from whom land may have been taken, for the purposes set forth in the preceding section, may apply to the District Court of the county wherein the lands are situated, for the appointment of appraisers, and said Court, after the proof that the President or other officers of the Company have been served with a notice describing the land, ten days before the holding of the Court, shall thereupon appoint three disinterested freeholders, citizens of the county, who shall appoint a time and place to hear the application, and the Company to whose agent or President a reasonable time notice shall be given by the Court, of said time and place, and said freeholders being sworn, shall, after hearing the parties, determine the amount of compensation as aforesaid, and make return of their award to said Court, at its next term, and said award may be confirmed, or for any sufficient reason, rejected by said Court, in the same manner as awards by arbitration, under a rule of Court, and if confirmed by the Court, judgment shall be rendered thereon, as in other cases. In determining the amount of compensation, to be paid as aforesaid, freeholders shall be governed by the actual value of the land at the time it was taken, taking into consideration the benefit or injury done to other neighboring lands of the owner, by the establishment of said road. If in any case the amount found by the arbitrators shall not exceed the sum proved to have been offered by the Company to the owner, prior to his application to the Court, the owner shall pay the costs of proceedings, otherwise the Company shall pay the same.

Sec. 9. That the said Company shall have power to borrow money on their bonds or notes at such rates as the Directors may deem expedient: provided, however, that nothing in this Act shall be so construed to confer banking privileges of any kind.

Sec. 10. That upon the written request of one-fourth of the stockholders, the President of the Company shall call a special

meeting of the Directors; and upon the written demand of three-fourths of the stockholders, the President shall remove any one, or the whole of the Directors, and order a new election within thirty days, which Directors so elected, shall hold their office until the time prescribed for the next regular election, or until their successors are elected and qualified.

Sec. 11. That said Company shall commence work within one year after the passage of this Act, and shall complete a section of twenty miles, within two years thereafter, of said Railroad, or this Charter shall be null and void.

Sec. 12. That a majority of the Directors of this Company shall be citizens of this State, and their principal office shall be in the State of Texas, and further, that all elections for officers of the Company shall be held where said office is located.

Sec. 13. That the Company is hereby required at all reasonable times, and for a reasonable compensation, to draw over their road, the passengers, merchandise and cars of any other Railroad Corporation, which has been or may hereafter be authorized by the Legislature, to enter with their Railroad and connect with the Railroad of this Company, and if the respective Companies shall be unable to agree upon the compensation aforesaid, it shall be the duty of the President of each Company, to select each, one man as a Commissioner, and the two Commissioners so elected, shall choose a third, in case of disagreement; neither of them shall be a stockholder in either road, or interested therein, and they shall fix the rates, which shall not be changed for one year from the time of going into effect. The said Commissioners shall also fix the stated periods at which said passengers and cars are to be drawn as aforesaid, having reference to the convenience and interests of said Corporation and the public, who shall be accommodated thereby. The right or power is especially conferred on this Company to connect and contract with any Railroad heretofore or hereafter chartered, for the performance of like transports, and in any case of disagreement between Companies, the same shall be referred and settled as aforesaid, to be binding for one year as aforesaid.

Sec. 14. That this Act of incorporation shall expire in seventy-five years, unless it shall be renewed or extended.

Sec. 15. That this Company shall be subject to the provisions, and be entitled to the benefits of any general laws which have been, or may be enacted by the State, regulating or encouraging the construction of Railroads. This Charter shall, in all

cases, be subject to, and subordinate to the general Railroad laws of the State.

Passed October 14th, 1866.

CHAPTER LXXVII.

An Act to Incorporate Woodland College.

Section 1. Be it enacted by the Legislature of the State of Texas, That H. Mosely, Oliver Carter, Thomas Lamb, F. H. Linden, L. R. Wortham, James J. Bonner, T. M. Dickson, and Reuben Anderson, and their successors, be, and are hereby constituted a body corporate and politic, under the name and style of "Woodland College," to be located in the county of Freestone, State of Texas, and by that name and style, shall in law, be capable of suing and being sued, pleading and being impleaded, in all courts and places; may have and use a common seal, and alter the same at pleasure and may purchase hold, and convey real and personal property.

Sec. 2. That the Trustees of said College shall have the right to construct and own such buildings as they may deem necessary for the use of said Institution; may establish rules and regulations for the government of the same; shall control and regulate the finances, and elect such officers as they may deem proper, and do all other things in furtherance of the objects of this Act, not inconsistent with the laws of this State.

Sec. 3. That a majority of said Trustees shall constitute a quorum to transact business, shall have power to enact such ordinances, and by-laws, as will conduce to the well government of said Institution; and may fill any vacancy in said board which may occur by death, resignation, or otherwise.

Sec. 4. That no religious test shall be required of any officer, or student, of said Institution; nor shall either be censured, suspended or expelled, on account thereof; provided, however, that nothing herein contained, shall prevent the Trustees of said College from enforcing a proper moral restraint, and inflicting suitable punishment upon immoral conduct.

Sec. 5. That the Faculty of said College, are hereby authorized to grant and confer such degree, or degrees, in the Arts and Sciences, on the students thereof, as are usually granted and con-

ferred by other Colleges; and give Certificates and Diplomas to the same, authenticated with the seal of said Institution.

Sec. 6. The signature of the President, countersigned by the Secretary, and attested with the seal of said Corporation, shall be sufficient to authenticate the acts of the same.

Sec. 7. That this act shall take effect and be in force from and after its passage.

Approved October 18, 1866.

CHAPTER LXXVIII.

An Act to Incorporate the Tyler Manufacturing Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That a body corporate and politic be, and the same is hereby created and established, to consist of a Board of Directors, Stockholders, President, of a company, or association of individuals, under the corporate name and style of the "Tyler Manufacturing Company," with the right and privilege of manufacturing cotton and woolen goods, cotton-seed oil, and oil-cake; to own real and personal property, to sue and be sued, to plead and be impleaded, to contract and be contracted with, to take, buy and sell, and convey real, personal and mixed property, and to do, and perform all other acts, and things necessary to the successful prosecution of the object of the association, and that Peter McGreal, John C. Robertson, A. W. Ferguson, Thomas B. Erwin, and James P. Douglass, are hereby appointed commissioners to open books and receive subscriptions to the capital stock of said company; and as soon as the sum of twenty-five thousand dollars in cotton, wool, or money, shall have been subscribed, the Commissioners herein named, or a majority of them, shall meet and organize said company; the majority of said Commissioners shall constitute a quorum to do business, and shall hold their first meeting at the town of Tyler, Smith county, Texas, as soon as consistent after the passage of this Act. Of the time of the first meeting, proper notice shall be given by said Commissioners in the newspaper, or papers published in the town of Tyler.

Sec. 2. The capital stock of said company shall not exceed two hundred and fifty thousand dollars, which may be invested in any manner calculated to insure the successful prosecution of the business of the Company, who shall also have the right to

locate their Manufactory at any point or place in Smith county, which they may deem most eligible; Provided, they can obtain by purchase, or otherwise, a good and sufficient title to the location they may desire.

Sec. 3. The parties named and appointed Commissioners by this Act, are hereby invested with the rights and powers of Directors, until Directors are chosen by the Stockholders, when the powers of said Commissioners shall cease.

Sec. 4. When twenty-five thousand dollars of the capital stock is subscribed on the books of the Company, the Commissioners shall proceed to organize said Company by calling the Stockholders together, and dividing the capital stock into shares of fifty dollars each, each share entitling the owner thereof to one vote by himself, or by written proxy; said shares shall be deemed personal property, and shall be transferable at any meeting of the Stockholders, by any conveyance in writing which may show that the stock has changed hands.

Sec. 5. The government of the affairs of said Company shall be vested in a Board of five Directors, a majority of whom shall constitute a quorum for the transaction of business. They shall elect one of their number President of the Company. The Commissioners shall give at least twenty days notice of election for Directors, who shall be chosen from among the Stockholders, and shall hold their office two years, and have the power to fill any vacancy that may occur in their Board until the next regular election. They may also appoint a Secretary, Treasurer, Superintendent, and such other officers and agents as may be required and prescribed, and require bonds for the faithful performance of their duties.

Sec. 6. They shall have the right to pass and adopt all needful By-Laws and Regulations, necessary for the proper conduct of their business, and keep, or cause to be kept, accurate records of all meetings of the Board of Directors and Company, which record shall always be open to the inspection of the Stockholders, together with such other books as may be necessary to show at all times, the amount of expenditures, receipts, and disbursements of the Company.

Sec. 7. The Board of Directors shall be convened by the President, who shall preside at all meetings of the Board, and in his absence a President pro tem., shall be chosen by the Directors.

Sec. 8. Any agreement in writing, by which any person shall become a subscriber to the capital stock of said Company, may be enforced against him or her, according to its terms, and if

any subscriber shall fail to pay any installment called for, or amount due upon his or her share, or shares, so subscribed, and called for by the Directors, within ninety days from the date said installment is required to be paid, the Directors may sell at auction, and transfer to the purchaser, the share, or shares of such delinquent, and if the proceeds of sale shall not be sufficient to pay the amount due on the said subscription, with interest, and cost of selling such share, or shares, such delinquent shall be held responsible, and liable for the remainder due the company, and if the proceeds shall exceed the amount so due the Company, with interest and charges deducted, said delinquent shall be entitled to the surplus.

Sec. 9. The rights, powers, privileges and immunities hereby granted, and conferred, under this Act of Incorporation, shall be, and remain in force for thirty years from the passage of the same.

Sec. 10. This Act shall take effect from and after its passage.

Approved October 18, 1866.

CHAPTER LXXIX.

An Act supplementary to and Amendatory of an Act to incorporate the Brazos Bridge Company, approved September 26th, 1866.

Section 1. Be it enacted by the Legislature of the State of Texas, That the seventh section of the Act to incorporate the Brazos Bridge Company, approved September the twenty-sixth, eighteen hundred and sixty-six, shall hereafter read as follows:

“Sec. 7. That the privileges granted in this charter shall cease and determine at the expiration of sixty years from the passage of this Act.”

Sec. 2. That section eight of said Act shall hereafter read as follows:

“Sec. 8. That the County Court of Austin County shall be required to have inspected the bridge every six months, and shall have the power, whenever the bridge becomes unsafe for travel, to close the same until it is repaired and rendered safe for public travel.”

Sec. 3. This Act to take effect from its passage.

Approved October 18, 1866.

CHAPTER LXXX.

An Act to revive and Amend the Charter of the Indianola Railroad Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That an Act entitled "An Act to incorporate the Indianola Railroad Company," approved 21st January, 1858, be, and the same is hereby revived and declared in full force and effect from and after the passage hereof.

Sec. 2. That no stockholder in said Company shall ever hold the office of President or Director of the same unless his entire stock is paid up in full, or the payment thereof secured by mortgage on unincumbered real estate; and no person owning stock in said Company, at this time, or who may be the assignee of stock heretofore subscribed for, shall be entitled to vote for any President or Director of said Company, unless the stock owned shall be paid up in full, or the payment thereof secured by mortgage, as hereinbefore provided.

Sec. 3. That if the said Indianola Railroad Company shall not have completed and put in running order fifteen miles of the said road by the first day of January, 1871, and shall not complete twenty-five miles of said road each year thereafter, then and in that case the franchises hereby granted shall be null and void; Provided, Their franchise shall not be forfeited for such amount of said road as the said Company shall have completed.

Approved October 19, 1866.

CHAPTER LXXXI.

An Act to incorporate the Burnet Male and Female Academy.

Section 1. Be it enacted by the Legislature of the State of Texas, That E. Sampson, A. R. Johnson, R. R. Kelley, Thomas Moore, W. A. Blackburn, J. P. McGill, W. H. McGill, Joseph Cluey, James McKenzie, R. H. Flippin, J. T. Woodard and D. C. Barmore, and their successors in office, be, and they are hereby constituted a body corporate and politic, for educational purposes, by the name and style of the "Burnet Male and Female Academy;" by which name they may sue and be sued, plead and be impleaded, and buy and sell property, real, personal and mixed; may have a seal to authenticate their acts, for the purpose and

object of maintaining an institution of learning in Burnet, Burnet County, Texas.

Sec. 2. That the management of said institution shall be vested in the above named and their successors, as a Board of Trustees; and they shall elect one of their own number Chairman of the Board; they shall, also, elect one Treasurer and Secretary. The Chairman shall preside at the meetings of said Board; but, in his absence, a Chairman pro tem may be appointed by said Board. The Treasurer shall be elected for one year; he shall keep a fair record of all monies, notes and papers of value, received and paid out by him, paying out the same by order of the Board of Trustees, signed by the President of the Board. He may, at any time, be removed for dereliction of duty, by a two-thirds vote of the Board of Trustees, and shall keep a fair record of all its proceedings and resolutions, and also of such by-laws and regulations as may be passed by said Board for the government of the school.

Sec. 3. No money shall be paid out of the Treasury except by order of the Board of Trustees or a majority of them, signed by the Chairman of the Board. The said Board shall have power to employ or elect one President, and as many Professors and Teachers in the academy as the educational interests of the school may require, and they shall assign to all persons so employed their duties respectively, and their salaries. They shall have power to appropriate any money in the Treasury, or that may come into the Treasury by virtue of the school fund, to the payment of the salary of any person employed in the school. The said Board shall have power to enact such by-laws as they may deem necessary for the government of the school; Provided, the same be not in contravention of the Constitution or laws of this State. The said Board of Trustees shall have power, by a two-thirds vote of its members, to sell and dispose of any property of the said academy except the ground and buildings, books and apparatus, occupied and used by the school; Provided, that the proceeds of all such sales shall be applied to advance the educational interest of the academy.

Sec. 4. That the Faculty shall consist of the President, Professors and Teachers, and shall have power to enforce all laws adopted by the Board of Trustees for the government of the school, by such measures as may be considered reasonable, and shall have power to suspend any student who may knowingly violate the laws, which suspension shall last until the Board of Trustees can be convened, who, conjointly with the Faculty,

shall have power to continue or remit the suspension; they shall, also, have power to expel disorderly students.

Sec. 5. That the Board of Trustees, conjointly with the Faculty, shall have power to confer such degrees in the arts and sciences, upon any student of the academy, or person thought worthy, as are usually conferred by other academies and institutions of similar grade, and to grant certificates thereof, signed by the Faculty and Trustees, and sealed with the seal of said academy, to authenticate and perpetuate their acts.

Sec. 6. That the academy shall be competent to hold and receive contributions, gifts, donations and bequests of real and personal **property of any kind**; and all donations and bequests to said academy shall be good and binding by the person making such donation or bequest; Provided, however, that said academy shall not hold property beyond the value of fifty thousand dollars—the academy buildings and lot of ground on which they stand excepted.

Sec. 7. That this Act take effect and be in force from and after its passage.

Approved October 19, 1866.

CHAPTER LXXXII.

An Act to incorporate the town of Athens, in Henderson county.

Section 1. Be it enacted by the Legislature of the State of Texas, That the citizens of the town of Athens, Henderson county, be, and are hereby declared a body politic and corporate, under the name and style of the corporation of the town of Athens, by which name they may sue and be sued, plead and be impleaded, and acquire and hold, real and personal property, within the limits of said corporation, and at their pleasure sell and dispose of the same.

Sec. 2. That the limits of said corporation shall extend to the present limits of said town, or one mile square.

Sec. 3. That it shall be the duty of the County Judge of the county to order an election to be held as early as practicable after the passage of this act giving five days' notice thereof, for the election of one Mayor and five Aldermen, and a Constable, who shall hold their offices for the term of one year from the time of their election, and until their successors are duly qualified. The said Mayor and Aldermen shall elect a Secretary and Treas-

urer. The Treasurer and Constable shall be required to give bond, with security to be approved by the Mayor for the faithful performance of their duties, and to make reports when required by the Mayor and Aldermen. The Mayor shall have and exercise all the powers and jurisdiction of a Justice of the Peace, and before entering upon the duties of his office, he shall take the oath prescribed in the Constitution, and give such bond with securities as Justices of the Peace are required to give. The Constable shall have and exercise all the powers, and discharge all the duties within said corporation of a Constable of the county, and before entering upon the duties of his office, he shall give bond with security to be approved by the Mayor.

Sec. 4. That the Mayor and Board of Aldermen, of said corporation shall have power to pass such rules and ordinances as may be necessary for the regulation of the police and the preservation of order within the limits of said corporation, to levy taxes for the removal of nuisances and keeping the streets in order, and to call out the citizens subject to road duty to work the streets; provided, that no person shall be required to work more than ten days in any one year, and they shall be exempt from all road duty in the limits of Henderson county, and prescribe penalties for the violation of said ordinances and by-laws; provided, that in no case it shall exceed the sum of one hundred dollars.

Sec. 5. That the Mayor, with a majority of said Board of Aldermen shall constitute a quorum for the transaction of business; they may enact and enforce such rules and regulations as they may deem necessary for the government of said corporation; provided, that the same do not conflict with the Constitution or laws of the State.

Sec. 6. That no person shall be eligible to hold an office in said corporation, or vote for the officers thereof, unless he be a citizen of the State, and shall have resided in the limits of said corporation six months immediately preceding such election; provided, that all persons living in said corporation legally qualified to vote in other elections, shall be entitled to vote and hold office at the first election.

Sec. 7. That it shall be the duty of the Mayor to cause an election to be held annually at least ten days' before the expiration of his office, after giving at least ten days' notice thereof, for a Mayor and Aldermen and Constable, who shall enter upon the duties of their respective offices, upon the expiration of the term of their predecessors.

Sec. 8. That in case of the failure of the Mayor to order and

hold such election as specified in the foregoing sections, then any five citizens within the limits of said corporation, may, after giving ten days' notice, order and hold such election.

Sec. 9. That this act take effect and be in force from and after its passage.

Approved October 19, 1866.

CHAPTER LXXXIII.

An Act for the relief of the widow and children of Thomas Steen, Jr., deceased, late of Smith County, State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby required to issue to the widow and children of Thomas Steen, Jr., deceased, late of Smith county, State of Texas, a patent for the following tract or parcel of land, (setting out in full the field notes) to-wit, situated in said Smith county survey No. 271, on the waters of the Little Saline Creek, about three miles South of the Sabine river, it being the quantity of land to which said Steen was entitled by virtue of certificate No. 21, class 4, issued by the county of Bowie, and surveyed by J. C. Hill, June fourteenth, eighteen hundred and forty-five.

Sec. 2. Such patent shall be issued notwithstanding the field notes of the survey were not filed in the Land Office within the time prescribed by law, and this act shall take effect and be in force from and after its passage.

Approved October 20, 1866.

CHAPTER LXXXIV.

An Act to incorporate the Planters and Mechanics Manufacturing Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That M. Austin Bryan, Albert G. Haynes, Thos. N. Morris, Redding Vickers, John McKnight and Horace Clark, all of the county of Washington and State of Texas, are hereby constituted a body politic and corporate under the name and style of the "Planters and Mechanics Manufacturing Company."

for the manufacture, at or near the town of Independence, Washington county, State of Texas, of cotton and woolen goods, rolls, yarns, thread, cotton seed oil, meal and flour; that they shall have succession, may sue and be sued, plead and be impleaded, purchase and hold real estate, and convey the same for the benefit of themselves and their successors, make contracts and do all other acts, and be invested with all other powers, immunities, franchises and privileges usually bestowed upon corporations of this kind, and which may be necessary for the objects herein specified, and for which this corporation is made.

Sec. 2. That the capital stock of said company shall be two hundred and fifty thousand dollars, and shall be divided into shares of one thousand dollars each; that when forty thousand dollars of said stock shall be taken, the stockholders shall assemble at such time and place as may be designated by the parties named in the first section of this act, and shall proceed to elect a Board of Directors of not less than three nor more than five members, who shall hold their office for two years, and until their successors are appointed, and who shall be elected annually thereafter; that each stock or shareholder shall be entitled to one vote for each share of one thousand dollars which he may hold.

Sec. 3. That the said Board of Directors may assemble within ten days after their election and proceed to organize by the election of a President, Secretary, Treasurer and General Superintendent, and may then proceed to establish and operate a factory according to the provisions of this charter; provided, that the offices of President and General Superintendent may be vested in one, and the same person, and also the offices of Secretary and Treasurer.

Sec. 4. That subscriptions to the capital stock of said company may consist of money, cotton, land; and material, labor and machinery necessary or useful for building or manufacturing purposes; provided, that when subscriptions of cotton, lands, machinery, material or labor are made, and before certificates of stock are issued, an appraisalment of the value of said cotton, lands, machinery, material or labor shall be made and mutually agreed upon by the Board of Directors, and the party or parties subscribing, and that such appraisalment shall be the basis upon which certificates of stock shall issue; provided, then when subscriptions of lands shall be made not immediately available, such lands shall not be entitled to dividends as active capital stock until the same shall have been sold otherwise made available for building or manufacturing purposes.

Sec. 5. The President or in his absence any two of the members of the Board of Directors may call a meeting for the transaction of business, and the presiding officer shall in all cases have the power of voting; the signature of the President shall be essential to the validity of all contracts made by the Board.

Sec. 6. The Board of Directors shall have power to make all necessary by-laws to declare the time and place at which installments of the subscription to the capital stock shall be paid, to declare the forfeiture after due notice of unpaid stock and to do all other acts, not contrary to or inconsistent with the Constitution and laws of the State of Texas, which may be necessary or proper to accomplish the objects contemplated in this act of incorporation.

Sec. 7. This act to continue in force for thirty years, and take effect from and after its passage.

Approved October 20, 1866.

CHAPTER LXXXV.

An Act to incorporate the San Marcos Irrigation Manufacturing and Navigation Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That Wm. Thompson, S. R. McKie, L. M. McGehee, Tho. Mooney, S. Dixon, Geo. Hancock, T. G. McGehee, J. McKain, D. Fentriss, O. P. Bowles, M. S. Munson, W. H. Jennings and Jonathan Ellison, and their associates, be, and they are hereby appointed Commissioners to open books and receive subscriptions to the capital stock of a Corporation to be styled "The San Marcos Irrigation Manufacturing and Navigation Company." A majority of said Commissioners shall constitute a quorum to do business, and shall meet in the town of San Marcos on the first Monday in October, 1866, or as soon thereafter as a majority thereof may agree upon; and they may appoint one or more of their own body to open books at such place or places as they may direct, to receive subscriptions for the stock of said Company; and the said Commissioners shall hold meetings from time to time as their business may require, for receiving subscriptions of said stock. They shall require five per centum thereof to be paid at the time of subscribing, to one of their own number, appointed by them; and any subscription to said stock, upon which said five per centum is not paid, shall be

void; and the party receiving the same on the part of the Company, shall be responsible to it for said five per centum upon said stock; provided, that certificates of said stock shall not be assignable until after the organization of said Company.

Sec. 2. That the subscribers to said capital stock whenever they shall have selected Directors in the manner hereinafter provided, shall be, and they are hereby created and established a body corporate and politic, under the name and style of the San Marcos Irrigation, Manufacturing and Navigation Company, with capacity in said corporate name, to sue and be sued, to plead and be impleaded, to have succession and a common seal, to make contracts, to grant and receive, to make by-laws for its government and the regulation of its affairs, and generally to do and perform all such acts and things as may be necessary and proper for, or incident to the fulfilment of its obligations, or the maintenance of its rights under this Act, and consistent with the Constitution and laws of this State and of the United States.

Sec. 3. The capital stock of said Company shall not exceed five hundred thousand dollars, to be divided into shares of one hundred dollars, each; each share entitling the owner thereof to one vote, either in person or proxy, in all elections, and in other matters when the stockholders shall be called upon to vote, and a majority of the votes shall govern in all cases where it is not otherwise provided by the laws of this State, by this Charter, or by the laws of said Company; and the said shares shall be transferable on the books of the Company in such manner as may be provided by the by-laws.

Sec. 4. That the immediate direction and control of the affairs of said Corporation, shall be vested in a Board of not less than five, nor more than nine Directors, as may be provided from time to time by the by-laws of the Company. Said Directors shall be chosen by the stockholders, at their annual meetings, which shall be held on the first Monday in October, of each year. They shall choose one of their own body to be President of said Company, shall fill vacancies in their Board occasioned by death, or resignation, appoint a Secretary, Treasurer and such other officers as they may think proper, and require bonds for the faithful performance of their duties, make all needful rules and regulations for holding meetings, and all other things they may deem proper for carrying out the provisions of this Charter and the business of the Company; they shall keep, or cause to be kept, accurate books of accounts exhibiting the receipts and expenditures of the Company. A majority of the Directors shall constitute a quorum to do business, and shall

have the power of a full Board, and all conveyances and contracts in writing, signed by the President and countersigned by the Secretary, or any other officer duly authorized by the Board of Directors, under the seal of the Company, and when the same is in execution of an order of said Board, shall be binding and valid.

Sec. 5. That as soon as fifty thousand dollars of the capital stock of said Company shall be subscribed, and five per centum thereof paid to the Commission, they shall cause the first election to be held for Directors, first giving notice of the time and place of such election, by publication in some newspaper, or in any other way the Commissioners may see proper to adopt. And when said Directors, so elected, shall have organized, the said Commissioners shall pay over to the Treasurer of the Company all the monies they may have received upon subscriptions to the stock of the Company, and deliver to said Directors all the books and papers belonging to the Company.

Sec. 6. Said Company when it shall be organized under the provisions of the preceding sections of this Act shall be, and it is hereby invested with the right of locating, constructing, owning and maintaining an irrigating Canal and branches of the same, commencing at any point or points on the San Marcos river, between the spring or source of said river, in Hays county, and a point four miles below, known as the old San Antonio road crossing, and the county line between Hays and Caldwell counties. And the said San Marcos Irrigation, Manufacturing and Navigation Company may proceed to survey the route of said Canal and branches, or any part thereof, and to locate the same, and to enter into contracts for its construction; all contracts being made by authority of an order of the Board of Directors entered upon their record of proceedings; and the said Company shall have power to construct such dam or dams and flumes across the said San Marcos river and its branches, as the said Company may deem necessary, for the purposes of irrigation, manufacturing and navigation; and the said Company may receive such lands as stock as can be brought under irrigation, or so much as they may choose to irrigate, at such price or prices as the Company and the land owners may agree upon. And the said Company shall have the power to divert from the channel of said river two-thirds of all the water in said river, for the purpose of irrigation, and motive power for machinery; and said Company shall have the right to assess all irrigated lands, to keep up necessary repairs of said canal, ditches and flumes, and to establish rates of toll and tonnage upon freights on said Canal,

and to demand and collect the same; and said Company shall have power to obtain lands and other property by purchase or otherwise, and to dispose of or sell such lands or other property; and said Company shall have the right to use, sell or otherwise dispose of manufacturing privileges on said Canal and branches, and to lease or alienate such water privileges for irrigating town lots and other lands, upon such terms as the parties interested may agree upon.

Sec. 7. Said San Marcos Irrigation, Manufacturing and Navigation Company after its organization in pursuance of the provisions of this Act, under the authority of the Board of Directors shall have power to receive further subscriptions to the capital stock of said Corporation from time to time, until the whole amount shall have been subscribed, but five per centum of all such subscriptions shall be paid at the time of subscribing, and the Directors shall be personally liable to said Company for five per centum of all such subscription as they may receive without such payment; provided however, that said Company may, by a vote of a majority of the stockholders, issue certificates of stock in payment of any debt contracted for the construction of said Canal and branches. Any agreement in writing, whereby any person becomes a subscriber to said capital stock, may be enforced against him according to its terms, and if any subscriber shall fail to pay any amount due upon shares subscribed for by him, according to the terms of his subscription, the Directors may sell at public auction, after giving ten days notice, as required in Sheriff's sale, the sale to take place in the county in which the Company has its domicil, and transfer the shares of said delinquent to the purchaser; and if the proceeds of such sale shall not be sufficient to pay the amount due, with interest and charges, said delinquent shall be liable to the Company for the deficiency, but if the proceeds shall exceed the amount due, with interest and charges, he shall be entitled to the excess.

Sec. 8. It shall be lawful for said Company to enter upon and purchase, or otherwise take and hold, any land necessary for the purpose of locating, constructing and maintaining said Canal and branches and dams, and if they shall not be able to obtain such lands by agreement with the owners thereof, they shall pay such compensation as shall be determined in the manner provided in the following section. The land so taken for the Canal bed and its branches shall not exceed fifty yards in width.

Sec. 9. Any person when his land has been taken as aforesaid, may apply to the County Judge of the county where the land is situated, for the appointment of three freeholders, and

said County Judge shall thereupon appoint a time and place to hear the applicant and the Company, to whom shall be given reasonable notice of such time and place, and said freeholders shall, after being sworn and having heard the parties, determine the compensation to be paid the applicant, and make return of their award to the next regular term of the County Court of said county, and said award may be confirmed, or upon sufficient reason, it may be set aside by said Court; if it be confirmed, judgment shall be rendered thereupon as in other cases; provided, nevertheless, that either party complaining of said judgment, shall have the right to appeal from said judgment to the District Court; provided, further, that pending said appeal, if said Company shall deposit the amount of said judgment, in money, or shall execute and file with the County Clerk a bond with securities, to be approved by the County Judge, conditioned that said Company will pay such sum as shall be adjudged against said Company on said appeal, then said San Marcos Irrigation, Manufacturing and Navigation Company," shall be authorized to appropriate said land, and to proceed with their work thereon. In determining the compensation to be paid as aforesaid, the said freeholders shall be governed by actual value of the land at the time it was taken, with injury which results to the adjoining land of the applicant by the establishment of said Canal and branches; provided, that if the party claiming the compensation before the County Judge, shall have refused to take from the Company the amount awarded by the said freeholders, or a greater sum, before his application to the County Judge, and if this is proven, in that case he shall pay the cost of the proceedings, otherwise the Company shall pay the same:

Sec. 10. Said Company shall have the right to cross all public highways that they find it necessary to cross to establish and maintain said Canal, branches and flumes, but they shall be required to make such bridges over all highways so crossed, as may be necessary for the convenient passage of the public, and shall keep the same in good repair.

Sec. 11. The annual meeting of the stockholders of said San Marcos Irrigation, Manufacturing and Navigation Company, shall be held at the principal office of the Company, on the first Monday in October, in each year, which shall be a day for the transaction of business by the stockholders, each stockholder voting as before provided, at which time the annual election of Directors shall take place. Should the stockholders owning a majority of the stock fail to meet on that day, the Directors may appoint another day for the said election, and such election on

that day so appointed, shall be valid. Directors elected under the provisions hereof, shall hold office until the next annual meeting, and until their successors are chosen and qualified.

Sec. 12. The said Company shall commence the construction of their said Canal in two years from the passage of this Act, and shall complete the same in ten years from its commencement, otherwise the rights and franchises herein granted shall be forever forfeited.

Sec. 13. That all laws and parts of laws coming in conflict with this Charter are hereby repealed.

Sec. 14. That this act of incorporation shall continue in force fifty years, unless sooner forfeited; and that this Act take effect and be in force from and after its passage.

Approved October 20, 1866.

CHAPTER LXXXVI.

An Act to incorporate the Agricultural Mechanical and Blood Stock Association of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That George A. Feris, M. S. Munson, J. M. Steiner, W. D. Alexander, J. T. Brady, Real Terry, F. R. Lubbock, W. S. Delaney, R. M. Tevis, E. B. Nichols, John S. Sellers, Isham Tooke, L. A. Washington, John T. Holman, W. S. Rogers, Ashbel Smith, H. F. Matthews, John G. Walker, Richard B. Ragan, William Summers and G. W. Taylor, their successors and associates, be, and are hereby declared a body corporate and politic under the name and style of the Agricultural, Mechanical and Blood Stock Association of Texas, and as such is capable of suing and being sued, plead and being impleaded, contract and being contracted with, and doing and performing all things necessary to carry into effect the objects of this Act. That the parties named in this Act shall act as Commissioners to obtain by subscription, the capital stock of said Company, and that the stockholders shall organize the same in the manner hereinafter provided.

Sec. 2. That the objects of said Company are declared to be the improvement of the breed of domestic animals and the encouragement of Agricultural and Mechanical improvements, and for that purpose said Company is authorized to purchase, import, breed, exhibit and sell any kind of domestic animals; to pur-

chase, import, manufacture, exhibit and sell such improved machinery and implements as will promote the mechanical, agricultural and manufacturing interests of the people of this State, and for the further purpose of carrying out the objects and purposes of this Association, as above declared, said Company is hereby authorized to own the necessary real estate for Fair Grounds, Pastures, Race-tracks, and training grounds, not to exceed one thousand acres, and to erect upon the same such improvements as may be necessary to carry out the objects of this Association. That the Fair Grounds and other improvements of said Company shall be located in the county of Harris, in this State.

Sec. 3. That the capital stock of said Company shall not exceed one hundred thousand dollars, divided into shares of fifty dollars each, and that the affairs of said Company shall be conducted by a Board of Directors, elected by and from the stockholders of said Company, and that said Board shall consist of not more than five who shall elect one of their number President, and shall make such by-laws, rules and regulations, and appoint such other officers and agents as may be necessary for the government and conduct of said Company.

Sec. 4. That this Act shall take effect and be in force for twenty-five years from and after its passage.

Approved October 20, 1866.

CHAPTER LXXXVII.

An Act to incorporate the San Pedro Spring Railroad Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That J. J. Dueler, W. A. Menger and Geo. Hoemer, together with their associates, be, and they are hereby constituted a body corporate and politic, under the name and style of the "San Pedro Spring Railroad Company," with capacity in said corporate name to sue and be sued; to plead and be impleaded; to have succession and a seal; to make contracts: to acquire and hold estate, real, personal and mixed; to encumber, sell or otherwise alienate the same, as the said Company shall deem proper,

Sec. 2. The said Company shall have power to enact by-laws for its government and for the regulation of its affairs, and to alter them.

Sec. 3. The capital stock of said Company shall not exceed

fifty thousand dollars, and they shall organize as soon as ten thousand dollars of the stock shall have been subscribed; the stock shall be divided into shares of one hundred dollars each, each share entitling its owner to one vote, either in person or proxy, in all elections; the shares shall be deemed personal property, and shall be transferable on the books of the Company as shall be provided by the by-laws.

Sec. 4. The Company shall have the right to locate, construct, own and maintain a railroad, commencing at or near either of the public squares of San Antonio, and running in as direct a line as practicable to San Pedro Springs—the cars or carriages on said railroad to be propelled by horses or other motive power.

Sec. 5. It shall be lawful for said Company to enter upon and purchase or otherwise acquire and take any land necessary for the purpose of locating, constructing and maintaining said railroad; and if they shall not be able to obtain such lands by agreement with the owners thereof, they may acquire the same by paying such compensation as shall be awarded by arbitrators, one to be named by each of the parties; and in case of their disagreeing, they shall elect an umpire, whose decision shall be final; they shall, also, have the right to run the road along, on or across any of the public streets or roads; Provided, that the railroad, in such case, be so constructed and kept as not to interfere with any other travel on the said streets or roads; and at all places of crossing, the Company shall construct and maintain good and safe crossing places, to be subject to the approval of the City Council of the city of San Antonio; and they shall, also, at any crossing of the main or branch ditches for irrigation, build such bridges or culverts as not to interfere with the use of such ditches.

Sec. 6. The Company shall have the right to charge such amount for transportation of passengers over said railroad as they may establish, not to exceed twenty-five cents per trip for each passenger.

Sec. 7. The Company shall commence the construction of their road on or before the first day of June, 1867, and complete the same on or before the first day of January, 1868, otherwise the rights and franchises herein granted shall be forfeited.

Sec. 8. This charter shall remain in full force and effect for fifty years from the completion of said railroad; and this Act shall take effect from and after its passage.

Approved October 20, 1866.

CHAPTER LXXXVIII.

An Act to incorporate the "Galveston Socialen Turn Verein."

Section 1. Be it enacted by the Legislature of the State of Texas, That George E. Koenig, F. Fundling, Victor W. Grahn, W. Ruhle, T. C. Stenzel, A. Bautsch, and their associates and successors, be, and they are hereby constituted a body politic and corporate, for the purpose of gymnastic exercises, social entertainments, and pleasures, by the name and style of the "Galveston Socialen Turn Verein;" and by their corporate name may sue and be sued, prosecute and defend in any of the Courts of the State; may grant, purchase and receive real and personal property, not exceeding one hundred thousand dollars in value; and may have a common seal, to be altered or changed by the will of said association; may adopt such a constitution, by-laws and regulations, for the management of the association, as the active members thereof may deem proper, not contrary to the Constitution and laws of this State.

Sec. 2. The capital stock of said company shall be divided into shares of "Five Dollars" each.

Sec. 3. The management of the affairs of said company shall be conducted by a Board of not less than five Directors, which number may, at any time, be increased by a vote of a majority of stockholders, which said Board of Directors shall include the First Speaker, Secretary and Treasurer, to be designated by the stockholders, each of whom shall be a stockholder; and a majority of the members of said Board shall constitute a quorum for the transaction of the business necessary to the successful operation of said company. The election for the Directors and officers constituting said Board shall take place in the city of Galveston on the first Monday of December, 1866, and yearly thereafter; and in case of failure to so elect said Board, the corporation shall not be dissolved for that cause, but the First Speaker, Directors, and other officers, for the time being, shall continue in office until there be an election; Provided, also, that it shall be the duty of said Directors and officers to call a meeting of the stockholders, at an early day, to elect a Board, so omitted to be done, at the regular period, and such vacancies as may, from time to time, take place from death, resignation or otherwise, shall be filled by a vote of the stockholders at a meeting called for that purpose.

Sec. 4. Each stockholder shall be entitled to one vote, and may vote in person or by proxy.

Sec. 5. Until the first annual election, to be held on the first Monday in December, 1866, the following named persons shall constitute the Board for the management of the affairs of said company: F. Fundling, First Speaker; Wm. Ruhle, Second Speaker; A. Bautsch, Secretary; F. C. Stenzel, Treasurer; and J. Teichmann. Turnward, together with such others as may, from time to time, be elected by the stockholders; and provided, that vacancies may be filled in the manner provided for in the third section of this Act.

Sec. 6. This Act shall take effect and be in force from and after its passage, and shall continue in force for twenty-five years.

Approved October 22, 1866.

CHAPTER LXXXIX.

An Act authorizing the building of an Iron Bridge over the Brazos River, on the line of the Buffalo Bayou, Brazos and Colorado Railway, at the town of Richmond, in Fort Bend County.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Buffalo Bayou, Brazos and Colorado Railway Company, shall be authorized to construct an Iron Bridge over the Brazos River, at the town of Richmond, in Fort Bend county, to be at least ten feet above ordinary high water mark; said bridge may be so constructed as to permit the passage of railroad trains, also the transit of all kinds of vehicles, foot passengers, &c., on which they shall have the right to charge and collect tolls, which said tolls, on all wagons, carriages and vehicles of every description, also cattle, horses, hogs, sheep, and all other animals, shall not exceed the rates as fixed upon and established by the County Court of Fort Bend county, whose duty it shall be to fix and establish reasonable and fair rates as tolls over said bridge.

Sec. 2. That said railroad company shall be authorized, should they deem it advisable, to transfer and set over all the rights and privileges above granted to any person or persons, association or incorporated company, that will undertake to construct said bridge on the terms authorized by this Act; and that the State shall claim no lien upon said bridge by virtue of any mortgage bonds they may have upon the road; Provided, such

bridge shall, in all cases, be used by the railway, upon terms to be fixed with said bridge company or association.

Sec. 3. That this Act shall take effect from and after its passage.

Approved October 22, 1866.

CHAPTER XC.

An Act to incorporate the Burnet Iron Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That A. R. Johnson, W. A. Blackburn, Thomas Moore, R. R. Kelley, E. Sampson, and D. C. Barmore, and their associates and successors, be, and they are hereby created, a body corporate and politic, under the name and style of the Burnet Iron Company, with capacity to own property, real, personal and mixed, in such quantities as may be necessary, for the legitimate purposes of this corporation, to make contracts, have a common seal, establish by-laws for its government, and in their corporate name to sue and be sued, to grant and receive, and generally to do and perform all such acts and things as may be necessary and incident to the fulfillment of their objects, or in the maintenance of their rights under this act, and not inconsistent with the laws and Constitution of this State and of the United States.

Sec. 2. That said company is hereby created with the right to erect, own, and maintain, and carry on, a manufactory of iron and steel of every description whatever, and all other articles of which iron or steel forms a part, at such place or places as said company may select, in the counties of Burnet or Llano, or in both in the State of Texas.

Sec. 3. The capital stock of said company shall be divided into shares of one hundred dollars each, and the holders of said shares shall constitute said company, and the capital stock of said company shall not exceed one million of dollars.

Sec. 4. The business of said company shall be conducted by a Board of Directors, of not less than three, nor more than five, chosen by the stockholders out of their number, at such time and place as the incorporators herein mentioned, or a majority of them, may prescribe, and annually thereafter; provided, that in case of failure to elect at the stated time, the Board of Directors incumbent shall hold their office until there be an election, the time and place for which may be fixed by said board, of which

there shall be reasonable notice given of not less than twenty days.

Sec. 5. That no person shall be eligible as Director unless he be a member of said company. The board shall elect from their own number a President, fill vacancies, and appoint such officers as they may deem necessary, and exact security for the faithful performance of their duties, and fix the time for the payment of installments, to declare forfeitures of stock for non-payment, and to do and perform all things which they may deem necessary to a successful prosecution of the business of the company. A majority of said Board of Directors shall constitute a quorum to do business.

Sec. 6. The members of said company shall be entitled to the benefits of any "bonus loan," or other benefits, that may be granted to companies or individuals, who engage in the manufacture of iron by any law, or hereafter passed.

Sec. 7. That the parties named in the first section of this act are hereby invested with the right to organize said company, and that this charter shall expire at the end of thirty-three years, and that this Act take effect from and after its passage.

Passed October 22, 1866.

CHAPTER XCI.

An Act to incorporate the Sabine and Galveston Canal and Slack-Water Navigation Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That there shall be established a Company under the name and style of the Sabine and Galveston Canal and Slack-Water Navigation Company, with a capital stock of five hundred thousand dollars, with the privilege of increasing the same to ten hundred thousand dollars, to be divided into shares of one hundred dollars each, for the purpose of cutting a canal from Sabine Bay, or Lake, on the waters thereof, to Galveston Bay, on the waters thereof, and said company is hereby invested with the right to construct dams, locks, canals, and such other improvements in and around any portion or portions of the Angelina, Neches and Sabine rivers, as may be necessary to render said rivers navigable; provided, that such dams, locks, and canals shall not be constructed in any portion of said rivers that are now capable of sustaining permanent navigation to their out-

lets in Sabine Bay, without the aid of such dams, locks or canals; Provided, that the point where said company may commence their improvements on said rivers, shall be at the head of the permanent navigation on said rivers, which point shall be ascertained and determined by the State Engineer, or such other person as may be appointed by the Governor for that purpose, the expenses of the same, if any, to be defrayed by said company; and provided, further, that the rights of said company to improve the navigation of the Neches river shall not extend beyond the junction with the Angelina river.

Sec. 2. That books shall be opened to receive subscriptions for said capital stock, in the city of Galveston, in the town of Sabine Pass, and elsewhere, and on such days and at such times as J. S. Sellers, M. F. Mott, J. Milton Swisher, Charles H. Jordan, Gustav Ranger, Josiah Taylor, and A. J. Ward, of Galveston, and F. W. McReynolds and J. W. McGehee, of Sabine Pass, the commissioners herein named, may designate and appoint; and the said commissioners shall be, and are hereby authorized, to receive subscriptions, to prescribe the terms of payment, and to call the first meeting of the stockholders; provided, that no subscription for stock shall be valid, nor shall the same be received, unless the subscriber shall pay to said commissioners ten per cent. on the amount of each share at the time of subscribing.

Sec. 3. That the subscribers to said company, their successors and assigns, shall be, and are hereby created, a corporation, under the name and style of the Sabine and Galveston Canal and Slack-Water Navigation Company, and under that name shall be capable to contract, to buy and receive all kinds of property, moveable and immoveable, that may be necessary to construct said canal and to improve said rivers, and to make such other improvements as may be expedient for the more perfect navigation of said waters, and to do and perform all such things as may be proper to carry on the business of said navigation, and to negotiate, sell, grant and dispose of any such property, borrow money on the faith of this charter, and also to pledge such property, real or personal, for the payment of the same; to sue and be sued, to have a common seal, and to bind themselves with or without a seal, and to establish such ordinances, rules and regulations, as they may think necessary and proper, for the use and protection of said company, not contrary to the laws and Constitution of Texas.

Sec. 4. That for the management of said company, there shall be seven Directors, who shall have the power to adopt by-laws, and to prescribe the manner in which the business of the

company shall be conducted, and who shall be annually elected, by the qualified stockholders of the capital stock of said company, by a plurality of votes, every one share being entitled to one vote, and votes allowed by proxy; and that the first election shall be held at such time and place as the commissioners herein named may appoint; the said directors shall have power to declare any stock of said company forfeited to said company on the failure of any subscriber to pay any installment of his capital stock, within ninety days after he shall have been served with a written or printed notice of the time and place at which such payment is required to be made, and all stock so forfeited shall be disposed of by said directors for the use and benefit of said company.

Sec. 5. That the directors so elected, shall elect a President from their own body, who, together with said directors, shall serve as such until their successors shall be duly elected and qualified.

Sec. 6. That no one shall be eligible for the office of director who is not the bona fide owner of at least ten shares of the capital stock of said company, and shall have held the same at least one month previous to the election.

Sec. 7. That the said corporation shall have the power to appropriate such lands, on the immediate route of said canal and rivers, and within one hundred feet on each side of it, as may be necessary for the construction of said canal, upon compensating the owner of such lands for the same at their cash valuation, which said compensation shall be ascertained in the following manner: The company shall present a petition to the County Judge of the county in which said lands may be situated, designating what lands are required for the use of said canal; and stating, as near as may be, who are the owners; whereupon the County Judge shall appoint a day, not less than twenty, nor more than forty, from the time of filing such application, for the parties interested to appear before him to ascertain the value of such lands: twenty days notice of the time and place of such hearing shall be given by notices posted up in three public places in the county, and on the day appointed by said County Judge, if the parties cannot agree upon a valuation, then he shall proceed to hear testimony, and to determine and decide what compensation shall be paid by the company to the said owner; upon payment of the amount of such appraisement to the owner of the land appraised, or into the County Treasury, for the use of the owner, such land shall be considered as condemned, and appropriated to the use and benefit of said corporation, for the purposes contemplated by this act. The said County Judge shall

be allowed five dollars in each case for services, which shall be paid by said corporation.

Sec. 8. That said company shall have power to levy, receive and collect such toll upon all steamboats, or other crafts, and upon all freights carried through said canal, and on such portions of said rivers as are made navigable by the improvements constructed by said company, as may be determined upon by said company, not to exceed, however, three cents per ton for each and every mile for said craft or vessel, and one-half of one cent for one hundred pounds for each and every mile on all freights carried through said canal, and upon the improved portions of said rivers as aforesaid; provided, that the Legislature hereafter may from time to time prescribe the rates of toll to be collected by said company; and provided further, that no tolls shall be charged on either of said rivers during high water, or at any time when the water is sufficiently high for boats to pass over the locks or dams that may be constructed, and that no tolls shall be collected at any time on either of said rivers below the first lock and dam from Sabine Lake.

Sec. 9. That the Mayor and Aldermen of the city of Galveston shall be, and are hereby authorized, to subscribe to the capital stock of said company for said city, to an amount not to exceed twenty thousand dollars, and to issue bonds bearing interest, or otherwise, to pledge the faith of said city to pay for the same; and the County Judge and County Commissioners of the several counties on the waters of the bays and streams in this act named, shall be, and are hereby authorized, to subscribe to the capital stock of said company, for their respective counties, to an amount not to exceed twenty thousand dollars, and to issue bonds, bearing interest, or to pledge the faith of their respective counties, to pay for the same.

Sec. 10. That the said Canal Company shall be authorized to go into operation as soon as five thousand dollars of the capital stock has been actually paid in.

Sec. 11. That this corporation is hereby invested with all the rights and powers necessary to the accomplishment of the objects for which they are incorporated; but nothing shall be construed into authority to exercise banking privileges.

Sec. 12. That the rights, powers and privileges conferred by this act, shall, in no way, interfere or conflict with the right of the Galveston and Brazos Navigation Company, in cutting their canal from Galveston Bay to Sabine Lake, as provided for in their charter; and the canal provided for in this act of incorporation, shall not be dug within five miles of the canal line now

surveyed, fixed upon, or intended, as the line of operation from Galveston Bay to Sabine Lake, by said Galveston and Brazos Navigation Company, without first getting the consent and authority of said company, or by obtaining from them a transfer of their rights; and if said Galveston and Brazos Navigation Company do not commence their work on said canal from Galveston Bay to Sabine Lake within one year from the passage of this act, then all of their rights to dig said canal shall cease, and the company hereby created shall go into force and effect with all the rights and powers conferred by this act; and if they do not complete a navigable canal between Galveston Bay and Sabine Lake within two years thereafter, then this act shall become null and void, and in no event shall this act continue for a longer term than thirty years.

Sec. 13. That there be appropriated and donated to said company eight sections of land of six hundred and forty acres each, for each and every mile of canal, and for each dam and lock that may be necessary to complete said Canal and Slackwater Navigation on said rivers; provided, the land granted to the company shall be subject to the laws governing the surveying and locating railroad certificates; and provided further, that so much of East Bayou and Taylor's Bayou, as may form part of said canal, shall not be computed in the length thereof in the grant of land herein.

Sec. 14. That it shall be the duty of the Governor of the State of Texas, on the completion of said canal, and completion of each dam and lock, to appoint a competent engineer to examine said improvements, and report the same to the Governor, then the Commissioner of the General Land Office be authorized and required to issue to said company the certificates, as provided for in the thirteenth section of this act.

Sec. 15. That this Act take effect from and after its passage.

Passed October 22, 1866.

CHAPTER XCII.

An Act to incorporate the Texas Land, Labor and Immigration Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That C. B. Stewart, J. C. Massie, J. S. Sellers, C. R. Hughes, G. W. Crawford, Wm. R. Baker, Jno. H. Herndon and

C. S. Longcope and their associates, be and they hereby are incorporated and declared to be a body corporate and politic, under the name of "the Texas Land Labor and Immigration Company" and under such name many transfer their rights by succession, assignment and sale, and shall be persons in law capable of suing and being sued, impleading and being impleaded; and that they and their successors by the same name and style, shall be in law capable of holding and conveying any estate, real, personal or mixed, and doing and performing all things necessary for the business of said company, and not contrary to the Constitution and laws of this State. To have a corporate seal, with such device as said company may select, and to alter the same at their pleasure.

Sec. 2. The objects of said company are declared to be, to promote immigration to Texas, to facilitate the purchase and settlement of lands by immigrants, and to introduce laborers and skilled operatives into the State.

Sec. 3. The capital stock of said company, shall be one million of dollars, divided into shares of one hundred dollars each, and the company shall have the right to make such distinction between the shares, creating preferred, and ordinary shares of stock, as may be necessary for the purposes of the company; and said capital stock may be increased to any sum not exceeding five millions of dollars, whenever a majority of the stockholders shall so determine.

Sec. 4. The management of the affairs of said company shall be conducted by a Board of Directors, and under such rules and regulations as the stockholders may determine at their first regular meeting; and the organization of said company, and appointment of officers, shall take place at such meeting. The said company may commence operations with all the powers and penalties of this act whenever three hundred shares of capital stock shall have been subscribed.

Sec. 5. The company may be dissolved by a vote of two-thirds of the issued stock, in which event after the payment of all outstanding obligations the land and other possessions held by the company, shall be sold at public auction, to be paid for, in outstanding shares of the capital stock of the company, until all such outstanding shares shall have been redeemed, and if not thus sooner dissolved, its rights and franchises shall expire by limitation in twenty-five years.

Sec. 6. That a majority of the Board of Directors of said company shall have power to pass all necessary resolutions, ordinances and by-laws for the regulation and government of said

company, in its business and contracts as are not in contravention of the Constitution and laws of the State.

Sec. 7. That the principal office of said company shall be established at the city of Galveston in this State.

Sec. 8. That nothing in this act shall be construed to confer banking privileges, and that this act shall take effect and be in force from and after its passage.

Approved October 24, 1866.

CHAPTER XCIII.

An Act authorizing the Commissioner of the General Land office to issue a patent for (640) six hundred and forty acres of land to John L. Lovejoy, assignee of Stephen Wofford.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office is hereby authorized and required to issue a patent to John L. Lovejoy, assignee of Stephen Wofford, on a survey for six hundred and forty acres of land, now on file in the General Land Office, made by virtue of unconditional certificate, No. one hundred and fifty three, (153) dated fourth of February, A. D., 1842, issued by the Board of Land Commissioners of Jasper county, to Stephen Wofford, for six hundred and forty acres.

Sec. 2. That this Act take effect from and after its passage.

Approved October 24, 1866.

CHAPTER XCIV.

An Act supplementary to an act entitled an act to incorporate the Burnet Iron Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That section 6th of the Act to incorporate the Burnet Iron Company, passed at the present session of the Legislature, shall hereafter read as follows:

“Section 6th, That the Burnet Iron Company shall be entitled to all the benefits that may hereafter be granted by the Legislature in any general law, to companies for the manufacture of iron.”

Sec. 2. That this Act take effect and be in force from and after its passage.

Approved October 24, 1866.

CHAPTER XCV.

An Act to incorporate the San Augustine Petroleum Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That L. V. Greer, John G. Berry, B. T. Kenanaugh, Rufus Price, F. W. Baker, W. L. O'Banion, C. J. Polk, T. R. Burford, and E. H. Covel, and their associates, are hereby created a body corporate and politic, by the name and style of the "San Augustine Petroleum Company," whose business shall be located in San Augustine county, and by that name shall have twenty-five years succession; and may contract, and be contracted with, sue and be sued, plead and be impleaded; suit may be instituted against said company, by service being had upon the President or Secretary of the company, pertaining to the business for which they are incorporated, have a common seal, alter and break the same at pleasure, may make all necessary by-laws for the transaction of business and government of said company, not inconsistent with the laws and Constitution of this State or of the United States.

Sec. 2. The capital stock of said company shall not exceed one million of dollars, which may be divided into shares, subscribed and paid for in such manner as said company, by its by-laws, may prescribe.

Sec. 3. Said company shall have power to appoint any one, or more of its members, or other persons to manage, control and direct the business of said company, according to the by-laws, rules and regulations, which said company may adopt.

Sec. 4. The said company may acquire and hold such real and personal estate, by contract or otherwise, as they may deem necessary or proper, for the carrying on or procuring oil, and refining the same, and the transportation of the same to market, together with such lands as may be necessary, for the establishment of machinery depots, and landings for the same.

Sec. 5. Said company may receive real estate or other privileges, for such part of their stock as they may deem advisable to sell on such terms, and may dispose of the same, or any part thereof, as the interest of said company may require.

Sec. 6. That it shall be lawful for the President and Directors of said company to borrow or obtain on loans such sums of money, and on such terms as they may deem expedient, for the business of said company, provided such sum or sums shall never exceed one-half of the capital stock, and to pledge or mortgage improvements, privileges, effects or assets whatever of said company, for the re-payment of said sums, so borrowed, on such terms as may be agreed upon.

Sec. 7. Said company, when fully organized, shall cause a book to be opened, and kept subject to the inspection of any member of said company, and the number of shares or amount of stock owned by each, and the said shares may be transferred by transfer on the books of the company.

Sec. 8. That this Act take effect and be in force from and after its passage.

Approved October 24, 1866.

CHAPTER XCVI.

An Act to incorporate the Belview Academy.

Section 1. Be it enacted by the Legislature of the State of Texas, That Samp's. Christie, John Davis, John G. Harnage, James D. Sessums, James M. Barton, John R. Wood, and their successors in office, be, and they are hereby constituted a body corporate and politic, for educational purposes, by the name and style of the Belview Academy; by which name they may sue and be sued, plead and be impleaded, and buy and sell property, real, personal and mixed, and for the purpose and object of maintaining an institution of learning in Belview, Rusk county, Texas.

Sec. 2. That the management of said institution shall be vested in the above named and their successors, and a Board of Trustees, and they shall elect one of their own number Chairman of the board; and they shall also elect one Treasurer and one Secretary. The Chairman shall preside at the meetings of the board; but in his absence, a Chairman pro tem. may be appointed by said board. The Treasurer shall be elected for one year; he shall keep a fair record of all monies, notes and papers of value received and paid out by him, paying out the same by order of the trustees, signed by the President of the board: he may be removed at any time for a dereliction of duty, by a two-

thirds vote of the board of trustees. The Secretary shall be elected for two years; he shall attend the meetings of the board of trustees, and shall keep a fair record of all its proceedings and resolutions, and also such by-laws and regulations as may be passed by said board for the government of the school.

Sec. 3. No money shall be paid out of the treasury except by order of the board of trustees, or a majority of them, signed by the Chairman of the board. The said board shall have power to employ or elect one President and as many professors and teachers in the academy as the educational interest of the school may require; and they shall assign to all persons so employed their duties respectively, and their salaries. They shall have power to appropriate any money in the treasury, or any that may come into the treasury by virtue of the school fund, to the payment of the salary of any person employed in the school. The said board shall have power to enact such by-laws as they may deem necessary for the government of the school; Provided, the same be not in contravention of the Constitution or laws of this State. The said board of trustees shall have power, by a vote of two-thirds of its members, to sell and dispose of any property of the said academy, except the ground and buildings, books and apparatus, occupied and used by the school; Provided, that the proceeds of all such sales shall be applied to advance the educational interest of the academy.

Sec. 4. That the Faculty shall consist of the President, professors and teachers, and shall have power to enforce all laws adopted by the board of trustees for the government of the school by such measures as may be considered reasonable, and shall have power to suspend any student who may knowingly violate the laws, which suspension shall last until the board of trustees can be convened, who, conjointly with the faculty, shall have power to continue or remit the suspension; they shall, also, have power to expel disorderly students.

Sec. 5. That the board of trustees, conjointly with the faculty, shall have power to confer such degrees in the arts and sciences, upon any student of the academy, or person thought worthy, as are usually conferred by other academies and institutions of similar grade, and to grant certificates thereof, signed by the faculty and trustees, and sealed with the seal of said academy, to authenticate and perpetuate their acts.

Sec. 6. That the academy shall be competent to receive and hold contributions, gifts, donations and bequests of real and personal property of any kind; and all donations and bequests to said academy shall be good and binding by the person making

such donation or bequest; Provided, however, that said academy shall not hold property beyond the value of fifty thousand dollars—the academy buildings and lot of ground on which they stand excepted.

Sec. 7. That this Act take effect and be in force from and after its passage, and continue in force for twenty years, and no longer.

Approved October 24, 1866.

CHAPTER XCVII.

An Act to incorporate the Jefferson Manufacturing Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That A. J. Bateman, John C. Murphy, Royal F. Lockett, Willis Whitaker, Sr., John M. Jones, A. U. Wright, W. M. Harrison, Bass Nichols, Ransom Cole, B. J. Terry, Miras Sledge, Gus Hodge, H. B. Jackson and James B. Henderson, and their associates and successors, be, and they are hereby created a body corporate and politic, by the name of the Jefferson Manufacturing Company, with power to sue and be sued, plead and be impleaded, and to acquire, hold and convey personal property and such real estate as may be necessary to carry out the purposes of the corporation; to have succession, and a common seal, and to do such other things as may be necessary to carry into effect the object of this Act.

Sec. 2. Said company is hereby invested with the right, power and authority to erect, own, establish, maintain and operate a Cotton and Woolen Manufactory at or near the city of Jefferson, in Marion county, with a capital stock of five hundred thousand dollars, which may be invested in the purchase of lands, buildings, mills, looms, spindles, and such other machinery and fixtures as are proper and necessary for the business aforesaid, with the right to erect such buildings and establish and operate such mills and shops as they may deem proper, and to invest so much of said capital stock in cotton and wool and other goods as to them may seem expedient.

Sec. 3. The capital stock of said company shall consist of the money, lands, tenements, mills and other property, real, personal or mixed, which may be held or owned by said company, and shall be divided into shares of one thousand dollars each, and the holders of such shares shall constitute said company.

Sec. 4. That the business of said company shall be conducted by a Board of Directors, to consist of not less than three, nor more than five, who shall be chosen by the stockholders, at the time of their organization, under this Act, and annually thereafter; and in case of failure to elect at a stated time, they shall hold over until there shall be an election, the time for which shall be fixed by the board, of which reasonable notice shall be given; and no person shall be elected a director unless he is the owner of at least five shares of the capital stock of the company. Each share of capital stock shall entitle the holder thereof to one vote. A majority of said directors shall constitute a quorum to transact business, and they may fill vacancies that happen in their number.

Sec. 5. The corporators herein named shall constitute the first board of directors, and shall proceed to organize said company so soon as the sum of fifty thousand dollars shall have been subscribed to the capital stock; and they may enact such by-laws for the government of the company as they may deem proper, in conformity with the Constitution and laws of the State.

Sec. 6. Said company shall be entitled to the benefits of any bonus, loan, or other grant that may be hereafter given or made by general law to companies or individuals who engage in the manufacture of similar goods within the State.

Sec. 7. The board of directors shall elect one of their number to be president of said company. They may also elect a Secretary and such other officers and agents as they may think proper, and require of them bonds with security for the faithful performance of their duties.

Sec. 8. No transfer of stock shall be binding upon the company until the Secretary shall have been notified thereof, and an entry of the transfer made upon the books of the company. Said company shall have one year to commence manufacturing.

Sec. 9. This Act shall take effect and be in force from and after its passage, and remain in force for the term of twenty-five years.
Passed October 24, 1866.

CHAPTER XCVIII.

An Act to Incorporate the Trinity River Slack Water Navigation Company.

Section 1. Be it enacted by the Legislature of the State of

Texas, That John S. Martin, Otis M. Wheeler, George W. H. Martin, John F. Carr, Hamilton Washington, R. M. Hogue, J. A. Thomason, Leroy Thomas, J. Carroll Smith, W. H. Sellers, John Smith, Geo. F. Alford, W. B. Taylor, Jas. E. Scott, W. A. Hagood, R. K. Blackshear, R. M. Bonner, J. W. Baldwin, Frank Hardin, E. B. Jamison, and R. W. B. Martin, and their associates, successors and assigns be, and they are hereby incorporated and created a body politic and corporate, by the name and style of "The Trinity River Slack Water Navigation Company," and in that name they and their successors shall have the right to purchase and acquire by any lawful means, estate real, personal and mixed, and the same may use, sell, lease, let, mortgage, transfer, convey and otherwise dispose of, and may sue and be sued, plead and be impleaded, contract and be contracted with, and may have and use a common seal, and the same change at pleasure, and make by-laws and regulations for the management of their affairs, and the same may alter or amend, and may have and use all the powers, rights and privileges which are, or may be necessary and proper for them to have as a Company incorporated for the purposes herein indicated; Provided, the parties named in this section shall be considered as Commissioners for the purpose of obtaining subscriptions to the capital stock.

Sec. 2. That the purpose of this Act is to create and incorporate a Company, with the right, power and privilege of causing, or creating a slack water navigation on the Trinity River, from the town of Liberty, to any point that they may select, not North of the town of Dallas, by the means of locks and dams.

Sec. 3. That the capital stock of said Corporation shall be one million of dollars, divided into shares of one hundred dollars, and it shall have power to increase the same to two millions of dollars, if they shall deem it necessary; each share shall entitle the owner to one vote in person, or by proxy, at all meetings of the Company.

Sec. 4. That the persons named in the first section of this Act, or a majority of them, may in person or by proxy, at such times and places, as they deem expedient, open books of subscription to the capital stock of said company, and when one thousand shares shall have been subscribed, and five per cent. thereon shall have been paid in, the share-holders may proceed to organize the company, by the election of not less than five, nor more than seven Directors, whose election, term of service, powers and duties, shall be prescribed in the by-laws, and the Directors, when elected, shall choose one of their own

members to be President, and may appoint such other officers and agents as they may deem expedient, and shall have power, in the name and behalf of the company, to exercise and enjoy all the rights, powers and privileges which are, or may be given to the said company; provided, however, that no person shall be a Director unless he own, at least, five shares of the stock.

Sec. 5. That the shares in the stock of said company shall be held to be personal property, and may be transferable on the books of the company, in such manner as the by-laws may direct; and the Directors may increase their resources by borrowing money on a pledge of their property, or without such pledge, or they may cause new subscriptions to be taken, and any State or citizen, corporation or company of any State or County, may subscribe for, purchase and hold shares in the stock of said company, with all the rights of any other share-holders, and subject to no other liabilities, than for the payment to the said Company of the balance due, or to become due, on the shares subscribed for, or held by them.

Sec 6. That said company shall have their locks and dams constructed in a substantial manner, and so as not to impede or obstruct high-water navigation, and they shall by means of said locks and dams, make said river navigable at all seasons, by any kind of boats, or other vessels, not drawing more than three feet of water when loaded, and they shall have water guages placed conspicuously upon each dam, shewing the depth of water thereon, and they shall have the right to charge the following tolls: At each lock, to-wit—Twenty-five cents per ton upon each steamboat, sail ship, or other vessels passing through said locks, according to their capacity, as registered in the city of Galveston or other port, except flat-boats, for which they may charge one cent per foot, according to length and breadth, or ten cents per bale, when they are loaded with cotton, or twenty-five cents per ton when they are loaded with other freight; provided, that whenever any lock and dam is so damaged, or out of order that there is less than three feet water in the channel above it, no toll shall be charged for said locks and dams, in high water, until the same are repaired by the company, and examined by the State Engineer, or other authorized person, and pronounced to be in good order; and only half the rate of tolls allowed by this charter shall be charged when the water is high enough to permit boats to pass over said locks and dams.

Sec. 7. That said Company shall have the right to use any timber, rock or other material, that may be necessary in the

construction of said locks and dams, that they may find on any lands belonging to the State, and should the State own the lands fronting on the river at any point where a lock or dam may be located, the company may have surveyed a quantity of land sufficient for the erection of shops, and other buildings necessary for the purpose of constructing said works, and return the field notes to the General Land Office, properly certified by the County Surveyor, and the Commissioner shall thereupon issue a patent therefor to said Company upon their paying the fees for said patent; Provided, however, that none of said surveys shall exceed eighty acres, and whenever it may become necessary for said company to acquire title to any lands upon which to erect workshops, or other buildings necessary in the construction of said work, they shall have the right to purchase or receive the same by donation, or otherwise; but where the owner of said land, and the officers, or agents of said company, as the case may be, cannot agree as to the price, then, and in that case, the owner of said land shall choose one arbitrator, and the officers, or agents of the company another, who shall assess the value thereof; but if the two cannot agree as to the same, they shall choose an umpire, whose award shall be returned to the next term of the District Court for the County, and such action taken, and such judgment rendered as in other cases of arbitration, according to the statutes in such cases made and provided, but the value of said land shall be assessed at what it was worth before the passage of this Act.

Sec. 8. That the stockholders of said company shall hold an election annually, for the election of directors, and the first election shall be held before the first day of January, A. D. 1868, at such time and place as the persons named in the first section of this Act, or a majority of them, may determine; Provided, however, that a majority of the directors shall be citizens of this State, and the office of said company shall be located at such place on said river as a majority of said company may determine; and should a vacancy occur in said directory, by death, resignation, or otherwise, the vacancy or vacancies may be filled by the residue of said directory, for the unexpired term, and should the stockholders fail to hold an election, from any cause whatever, at any regular period, those in office shall continue to act as directors until another regular election shall be held, and a majority of said board shall have the power of a full board.

Sec. 9 That all conveyances and contracts, in writing, duly executed by the president, and countersigned by the directors,

shall be valid and binding upon said company, if made and executed under the authority of this Act.

Sec. 10. That in addition to the five per cent. required to be paid at the time of subscribing for stock, the directors shall have power to require payments to be made upon the stock remaining due, at such times as they may deem requisite; Provided, they shall not call for more than twenty-five per cent. in any term of three months; and any stockholder failing or refusing to pay the amount called for, within thirty days after the time named for such payment, the directors, or their duly authorized agents may, after giving thirty days notice, sell said stock to the highest bidder, at public auction, and transfer to the purchaser the shares of the delinquent, and if the proceeds of the sale shall not be sufficient to pay the amount then due on said subscription, with interest and charges, said delinquent subscriber shall be held liable to the company for the deficiency due on said subscription, and if the proceeds of such sale should exceed the amount so due, with interest and charges, said delinquent shall be entitled to the surplus.

Sec. 11. That it shall be the privilege of said company, when they shall have completed a lock and dam in the manner aforesaid, to report that fact to the Governor of the State, whose duty it shall be to appoint a competent engineer to examine said lock and dam carefully, and report his examination to the Governor, and if it shall appear from said report that said work is done in a substantial and workman-like manner, and will cause a beneficial improvement in the navigation of said river, then, and in that case, the Governor shall issue an order to the Commissioner of the General Land Office, requiring him to issue to said company, sixteen certificates for three hundred and twenty acres of land each, for every lock and dam so completed, which said certificates may be located upon any unappropriated lands belonging to the State. The land donated hereby shall be surveyed in alternate sections, or half sections, and the alternate sections, or half sections, are reserved to the State; Provided, that land shall not be granted to more than ten locks, within two years from the passage of this Act.

Sec. 12. That said company shall have the first lock and dam, above the town of Liberty, completed by the first day of January, 1869, and within three years thereafter they shall have completed all the locks and dams that may be necessary to complete slack water navigation as aforesaid, to Martin's Ferry, in Walker County, otherwise this charter shall be forfeited.

Sec. 13. That this Act shall expire in forty-nine years, un-

less it be renewed, amended or extended, and that it take effect and be in force from and after its passage.

Passed October 24, 1866.

CHAPTER XCIX.

An Act to consolidate in one Act and amend the several Acts incorporating the City of Houston, in Harris County.

Section 1. Be it enacted by the Legislature of the State of Texas, That all free white inhabitants of the city of Houston shall be a body corporate, by the name of the Mayor, Aldermen and Inhabitants of the City of Houston, and by that name they and their successors shall be known in law, and be capable of suing and being sued, and defending in all Courts and all actions and matters whatever, and may have a common seal, and may alter and change the same at their pleasure, and by the same name shall be capable of holding and conveying any estate, real, or personal, for the use of said corporation; Provided, that such real estate be within the limits of said city.

Sec. 2. That the bounds and limits of the said corporation shall include three miles square, to be run with the cardinal points of the compass, of which the Court-house in the city of Houston shall be the center.

Sec. 3. That no person shall be a qualified voter at any election for officers of said corporation unless he possesses the qualifications of a citizen of this State, and has resided within the chartered limits of the corporation of said city six months next preceding the election, and unless he be a householder or owner of real and personal estate, the last six months within the corporation limits of said city, to the value of one hundred dollars, agreeably to the city tax roll, and has paid his taxes thereon according to the city assessment for the preceding year.

Sec. 4. That no person shall be eligible as an officer of said city, who at the time of his election, does not possess the qualifications of an elector, and has not resided in the city next preceding, and has not held the last six months within the said city real estate to the value of one thousand dollars, according to the city tax roll.

Sec. 5. That no person shall be eligible to the office of Mayor of said city unless he possesses the qualifications of an Alder-

man and owns real estate to the value of two thousand dollars, in terms as required in the preceding section.

Sec. 6. That the city authorities are authorized to divide the city into a convenient number of wards, not exceeding eight, and to fix and define the boundaries thereof.

Sec. 7. That the qualified voters of said corporation shall elect a Mayor, Sexton and City Assessor and Collector, who shall hold their offices for the term of one year, and until their successors shall be elected and qualified.

Sec. 8. That at the first annual election for city officers after the passage of this Act, there shall be elected two Aldermen from each ward, one of whom shall hold the office for the term of one year, and the other for the term of two years; and immediately after their being qualified, the Aldermen so elected from each ward shall determine by lot who shall hold for the long term; and at every annual election thereafter one Alderman shall be elected from each ward who shall hold the office for the term of two years.

Sec. 9. That the Mayor and Aldermen shall constitute the City Council, over which the Mayor shall preside when present; and in case of a tie in the vote of the board, he shall give the casting vote.

Sec. 10. That the City Council shall have power to regulate the manner and time of holding and conducting elections, not inconsistent with the laws and Constitution of the State, and shall be the judge of the elections of the officers of said corporation.

Sec. 11. That the officers of said corporation, before they enter upon the discharge of their duties, shall take and subscribe the oath of office required by the Constitution of the State, which may be taken before any officer legally authorized to administer oaths.

Sec. 12. That the Mayor shall convene the Council whenever required to do so by three Aldermen of said city; and no meeting shall proceed to the transaction of any business unless it be composed of a majority of the whole number of Aldermen elected and qualified, and such number, with or without the Mayor, shall be a quorum for the transaction of business.

Sec. 13. That in future, the sittings or assemblies of the City Council of Houston shall be public, except when, at the request of two-thirds of the members present in said Council, the said Council shall deem it necessary to deliberate with closed doors.

Sec. 14. That in future, the Mayor, Recorder, nor none of

the Aldermen then in office, shall be allowed, either in his own name or through the medium of other persons, to become the lessee or bidder for any branch of the revenues of the city, nor for any work or undertaking whatsoever which may be authorized or ordered by the corporation of said city.

Sec. 15. That in case of the inability of the Mayor of the city of Houston to perform his duties, by reason of absence, refusal or other cause, or in the event of vacancy in said office occasioned by death, resignation or otherwise, the Board of Aldermen of said city may be, and they are hereby authorized and empowered to appoint from their own body a presiding officer, who shall be Mayor "pro tem.," and shall have and may exercise all the powers conferred by law on the Mayor, and shall perform all the duties thereof, until his return, the removal of such inability, or a successor is elected and qualified; Provided, that in case of a vacancy in said office, the City Council may order an election, upon ten days' notice, to fill such vacancy for the unexpired time.

Sec. 16. That whenever any order, resolution, by-law or ordinance may be passed by the Council, and is disagreed to by the Mayor, it shall be inoperative, unless the same shall be passed by a vote of a majority of the whole number of Aldermen, taken by yeas and nays, and recorded upon the journals of their proceedings.

Sec. 17. That in case of vacancy in the office of Alderman, City Assessor and Collector, Sexton, or other subordinate officer, the Mayor may order an election to fill the same, first giving ten days' notice thereof; and the person so elected shall hold his office for the unexpired term.

Sec. 18. That the City Council shall elect a City Secretary and Treasurer, Recorder and Marshal, and such other subordinate officers as may be necessary for preserving the peace and well ordering of the affairs of the said corporation, and shall prescribe their duties.

Sec. 19. That the City Council shall have power to remove any officer of the said corporation for any neglect, misdemeanor or malfeasance in office, by a vote of three-fourths of the whole number of Aldermen elected and qualified.

Sec. 20. That the City Council shall require such officers, as they may see proper, to execute bonds for the faithful discharge of the duties and trusts incumbent upon them, in such amounts as they may deem necessary, with security, to be approved by the Council.

Sec. 21. That the Mayor and Recorder are hereby vested

with all the powers and jurisdiction, civil and criminal, within the limits of said corporation, which may by law be exercised by Justices of the Peace under the laws of this State; and in prosecutions, trials and proceedings had before them under this Act and the by-laws and ordinances of said corporation, they shall be governed by the laws regulating the proceedings in Justices' Courts in force at the time, and shall be entitled to such fees as may be fixed by the City Council.

Sec. 22. That all process from the Mayor or Recorder may be directed to and executed by the Sheriff, any Constable of the city, or the City Marshal, in the same manner that similar process from Justices of the Peace are executed.

Sec. 23. That it shall be the duty of the Mayor and Council to cause the Secretary and Treasurer of the corporation to publish, on the first Monday in March in each year, an accurate, detailed and just statement of the receipts and expenditures, and condition of the Treasury of said body politic, and publish the same in at least one of the gazettes printed in Houston. The said statement, before it is published, shall be carried, by the Treasurer aforesaid, before some Judge or Justice of the Peace, before whom he shall testify, on oath, that the same is a faithful and correct statement.

Sec. 24. That, should the Secretary and Treasurer of said corporation refuse to account as directed by this Act, he shall pay a fine of two thousand dollars—said fine to be recovered on motion before the District Court, by the District Attorney or his assistant, ten days' notice of which shall be given to the said Treasurer; and it is hereby made the duty of the District Attorney to enquire and see that the provisions of this Act are faithfully fulfilled, and proceed as the case may require.

Sec. 25. That the fines imposed by the regulations of the by-laws of the corporation of Houston shall not exceed the sum of one hundred dollars, and the recovery of the same shall be made before the Mayor or Recorder, in the name of the Mayor, Aldermen or inhabitants of the city of Houston, for the benefit of said city.

Sec. 26. That the Mayor and City Council of the city of Houston shall have power to appropriate so much of the revenues of the city, emanating from whatever source, to the improvement of the public market, roads, within or without the limits of the corporation, leading to the city, as they, in their wisdom, may, from time to time, deem expedient.

Sec. 27. That the Mayor and City Council of the city of Houston shall have full power and authority to make and pass

such by-laws and ordinances as they shall deem necessary to maintain the cleanliness and salubrity of said city; to secure the safety and convenience of passing in the streets and squares, ways, levees, and other public roads; to fix the squaring, and to prevent any encroachment or other undertaking on the said public roads; to determine the completion and dimensions, the maintenance and repair of the said pavements in the said streets, at the cost of proprietors of houses, lands or neighboring lots; to fix a place and anchoring for all water crafts on the bayou; to establish an active system of inspection over the conduct of persons and premises; to establish a city guard of patrols; to provide for lighting the streets; to determine in what part of the city wooden buildings shall not be allowed to be erected; to prevent gunpowder being stored within the city and suburbs in such quantity as to endanger the public safety; to determine on the means to be resorted to in order to extinguish conflagrations, and to prevent the same; to regulate the service of persons employed in working fire engines; to permit or forbid theatres, balls and other public amusements; to cause the play-houses and other places for shows or exhibitions to be closed whenever the preservation of order, tranquility or public safety shall require it; also, to close dram shops and drinking saloons whenever necessary or expedient; to establish one or more market places, and to determine the mode of inspection for all comestibles sold publicly, either in said market or markets, or in other places; to define and suppress nuisances; to regulate everything which relates to bakers, butchers, tavern keepers or grogshops, and other persons, keeping public houses, draymen, horse drivers, water carriers; to fix the compensation of said draymen, hack drivers, water carriers, common carriers, omnibus drivers and baggage wagons; and to make other regulations which may contribute to the better administration of the affairs of said corporation, as well as for the maintenance of the police, tranquility and safety of said city; to direct and control the laying and construction of railroad tracks, turnouts and switches, and the location of depot grounds within the city; to require that railroad tracks, turnouts and switches shall be so constructed and laid as to interfere as little as possible with the ordinary travel and use of the streets and avenues, and that sufficient space be left on either side of said tracks for the safe and convenient passage of teams, carriages and other vehicles and persons; to require railroad companies to keep in repair the streets or avenues through which their track may run, and, if ordered by the City Council, to light the same, and to construct and keep in repair suitable crossings

at the intersections of streets and avenues, and ditches, sewers and culverts, when the City Council shall deem necessary; to direct the use, and regulate the speed of locomotive engines within said city; exclusively to control and regulate every thing connected with city railroads, and to make such rules and regulations for the same as the City Council may deem necessary; Provided, that no by-laws or regulations which have been made by said Mayor and City Council shall have any force and effect in what may be contrary to the provisions of the Constitution of the State; Provided, also, that said Mayor and City Council shall not have the power of fixing the price of any article sold in the market or other places, except wheat bread, the price of which may be regulated according to the market price of flour.

Sec. 28. That the Mayor and City Council of the said city shall have power to construct wharves on the banks of the Buffalo Bayou, within the limits of the corporation of said city, and such other improvements as may be necessary for the better navigation of the said bayou, and for the convenience of landing vessels and their cargoes, and to lay contributions upon all such vessels and their cargoes as may land at the said wharves, and to collect the same to defray the expenses thereof.

Sec. 29. That whenever any steamboat or other craft shall sink in the Buffalo Bayou, above the town of Harrisburg, so as to obstruct the navigation, it shall be the duty of the Mayor of the city of Houston to appoint three good and discreet commissioners to inspect and examine the condition of such boat or craft sunk as aforesaid, who shall proceed immediately on their appointment to make an examination of such boat or craft so sunk, and report in writing their opinion, stating whether, in their opinion, the boat or craft sunk can be, or is likely to be raised or removed within the space of ten days after their examination; and should they be of the opinion that such boat or craft is not likely to be raised so as to open the navigation within the space of twenty days from the time of their examination, then and in that case the Mayor and Aldermen of the city of Houston may order the removal of such boat or craft so sunk, in any manner they shall deem proper, without incurring any damages or penalty for the same.

Sec. 30. That said corporation of the city of Houston is hereby given full power and authority to take such steps to preserve and improve the navigation of the said Buffalo Bayou, above the town of Harrisburg, as they may think proper, and for that purpose they are authorized to levy and collect a tax on all steamboats and other craft running in said bayou to the city

of Houston, for the purpose of improving the navigation thereof; Provided, that the power in this section shall not be construed to give said corporation any jurisdiction or control over said Buffalo Bayou, or the banks thereof, in any manner, beyond or without the corporate limits of said city, except for the purpose of protecting or improving the navigation of said bayou, and shall not give said corporation jurisdiction or control to prevent or interfere with the construction of any railroad or other bridges, by any company or person, across said bayou, in such manner as not to interfere with the navigation of said bayou.

Sec. 31. That the City Council, by a vote of the majority of the whole number of Aldermen, taken by yeas and nays, and entered upon their journal, shall have power to assess license and tax hawkers, peddlers, auctioneers, theatrical and other exhibitions, shows and amusements, billiard tables, nine and ten pin alleys, public drays, wagons, omnibuses and carriages, grogshops, tipling houses and dram shops, beer saloons, (whether for the sale of domestic beers and liquors or otherwise,) and such other trades and occupations not especially mentioned herein as may be taxed by the laws of the State, and to suppress all gambling houses and all disorderly houses by whatever name or description known.

Sec. 32. That the City Council, by a vote of a majority of the whole number of Aldermen, taken by yeas and nays, and entered upon their journal, may assess and collect an annual direct tax upon all property, real and personal, situate and being within the limits of the corporation, not exceeding two per cent. ad valorem.

Sec. 33. That every person or persons on whom or whose vocation a license tax may have been assessed, shall, before engaging in such vocation, pay to the City Assessor and Collector the amount of said tax, taking his receipt therefor, which receipt shall entitle him, her or them, to a corresponding license, to be issued by the Mayor. If any person or persons shall engage in any vocation within the limits of the city, on whom or which a license tax had been assessed by the City Council, without having first obtained a license therefor from the Mayor, such person or persons shall be liable to pay one-fourth of the amount of such annual license tax for each week he, she or they may be so engaged, and in the same proportion for each day, which may be recovered by action before the Recorder or any Justice of the Peace or the District Court, according to the amount, one-fourth part of the recovery for the use of the informer, and the balance to the city.

Sec. 34. That after the expiration of the time prescribed by law for the payment of city taxes, the Assessor and Collector for the city, or such officer as the City Council may charge therewith, may proceed to seize upon any property, real or personal, the tax on which has not been paid, or that belongs to a delinquent tax payer; and after advertising the same in some newspaper published in the city of Houston, or by posting at three public places in said city, if there be no newspaper published as aforesaid, for twenty days, specifying the time and place of sale, may sell at the Court-house door of Harris county, to the highest bidder, for cash, so much of said property as will pay the taxes thereon, or may be due from such delinquent, as the case may be, together with costs of advertising and selling, unless the taxes and costs be paid before the day of sale; if the sales should not be completed on the day appointed, the Assessor and Collector may adjourn the sales from day to day until they are all completed.

Sec. 35. That, at the conclusion of the sales, and in compliance with the terms thereof by a purchaser, the Assessor and Collector shall give to such purchaser a certificate of purchase, stating the amount of tax and costs paid, and describing the property sold, which shall entitle the purchaser to a deed for said property, at the expiration of twelve months, from the Mayor of the city; but such certificate may be redeemed within one year from the day of sale, by the owner of the property sold, or some person for them, by payment of double the amount of tax and costs paid by the holder, which payment may be made either to the City Treasurer, for the use of the holder of such certificate, or to the holder of such certificate.

Sec. 36. That if any certificate of purchase, given as before provided, be not redeemed within one year from the day of sale, then the holder may demand, and it shall be the duty of the Mayor of the city to give a deed to such holder, conveying all the right and interest of the person in whose name the property is sold, and of the owner, in case of unknown or non-resident owners, in and to the property specified in the certificate, on production and delivery of the certificate to him; such deed shall be signed by the Mayor, in his official capacity, and countersigned by the Secretary of the Council, under the city seal.

Sec. 37. That the city shall not be held responsible on any implied warrant, or for any damage under any deed or sale made for taxes; but the person injured by any neglect or malfeasance of any officer, shall have recourse against him for any damage sustained in consequence thereof.

Sec. 38. That any tax deed made or required by this Act shall be prima facie evidence that all the prerequisites of the law have been complied with, and shall pass all the rights of the person owning the property conveyed, unless it can be proven that the tax thereon had been paid before the sale, or the certificate of sale redeemed within the year aforesaid.

Sec. 39. That the Assessor and Collector shall, after his sales, make returns to the Council of all property sold, and the names of the purchasers of each parcel of property to whom certificates of purchase may be issued, which returns shall be preserved among the archives of the city.

Sec. 40. That the Acts so far as relative to the city of Houston, namely: "An Act to incorporate the City of Houston and other Cities therein named," approved January 28, 1839; "An Act supplementary to an Act entitled an Act to incorporate the City of Houston and other Cities therein named, approved January 28, 1839," approved February 5, 1849; "An Act to amend the several Acts incorporating the City of Houston," approved November 17, 1840; "An Act to amend an Act to incorporate the City of Houston and other Cities therein named," approved November 24, 1841; "An Act to authorize the Corporation of the City of Houston to remove obstructions in Buffalo Bayou interfering with the navigation thereof," approved January 29, 1842; "An Act supplementary to an Act amending the several Acts incorporating the City of Houston," approved February 3, 1844; "An Act to amend an Act incorporating the City of Houston," approved March 11, 1848; and "An Act to provide for the election of all officers created by the Charters and Boards of Aldermen of the Cities of Galveston and Houston," approved February 11, 1852; and "An Act consolidating into one Act and amend the several Acts incorporating the City of Houston, in Harris county," approved January 8, 1862, be, and the same are hereby repealed; and that all property, actions, rights of actions, claims and demands of every nature and kind whatsoever vested in said corporation, under and in virtue of the said laws hereby repealed, shall vest in, remain and inure to the said corporation, under this Act, as fully and completely, in all respects, as if the said laws had not been repealed; and that all by-laws, resolutions and ordinances made and passed under or in pursuance of the said laws hereby repealed, shall continue and remain in full force until repealed by the proper authorities of said corporation; and this Act shall take effect and be in force from and after the passage hereof.

Passed October 22, 1866.

CHAPTER C.

An Act to incorporate the Houston and Great Northern Railroad Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That T. M. Bagby, M. D. Ector, J. M. Maxey, M. H. Bonner, G. G. Gregg, Israel Worsham, C. G. Young, E. Currie, H. D. Taylor, W. J. Hutchins, J. C. Smith, Thomas Gibbs, M. McMorris, E. B. Nichols, W. H. Pitts, Green Cheatham, Henry W. Jones, R. S. Simington, R. B. Long, George Yarbrough and James Mitchell, be, and they are hereby appointed, Commissioners to open books and receive subscriptions to the capital stock of a corporation to be styled the Houston and Great Northern Railroad Company. A majority of said commissioners shall constitute a quorum to do business, and shall meet in the city of Houston on the first Monday in December, A. D. 1866, or as soon thereafter as a majority thereof may agree upon; and they may appoint one or more of their own body, and such other agents as they may select, to open books at such places as they may direct, to receive subscriptions for the stock of said company; and the said commissioners shall hold meetings from time to time, as their business may require, until Directors shall be selected, as hereinafter provided for. In receiving subscriptions for said capital stock, they shall require five per centum thereof to be paid at the time of subscribing, whether to one of their own number, or an agent appointed by them; and any subscription to said stock, upon which the amount of five per centum is not paid, shall be void, and the party receiving the same, on the part of the company, shall be responsible to it for said five per cent. upon said stock: Provided, that certificates of said stock shall not be assignable until after the organization of said company.

Sec. 2. That the subscribers to said capital stock, whenever they shall have selected directors, are hereby created and established a body corporate and politic, under the name and style of the Houston and Great Northern Railroad Company, with capacity in said corporate name to sue and be sued, to plead and be impleaded, to have succession and a common seal, to make contracts, to grant and receive, to make by-laws for its government, and generally to do and perform all things necessary or proper to the maintenance of its rights under this act, and not inconsistent with the Constitution of this State and of the United States.

Sec. 3. The capital stock of said company shall not exceed

six millions of dollars, to be divided into shares of one hundred dollars each—each share to entitle the owner thereof to one vote, in all elections and meetings, when the stockholders are called upon to vote, and a majority of the votes shall govern in all cases not otherwise provided by law, the said shares of stock shall be deemed personal estate, transferable only on the books of the company.

Sec. 4. The direction and control of the affairs of said corporation shall be vested in a Board of not less than five, nor more than nine Directors, as the by-laws may provide; they shall be chosen by the stockholders at their annual meetings, the first of which shall be holden at such times as the corporators herein mentioned shall designate; the said directors shall select one of their own body to be President of said company; shall fill vacancies in their board, appoint a Secretary, Treasurer, and such other officers and agents as they may deem proper, and require bond for the prompt and honest discharge of their duties, make all proper rules for the holding of their meetings, and all other rules not inconsistent with the general laws, which they may deem necessary to protect the interest of the company; they shall cause to be kept accurate books of accounts, exhibiting the receipts and expenditures of the company. A majority of the directors shall constitute a quorum to do business, and shall have the power of a full board, and all conveyances and contracts in writing signed by the President, and countersigned by the Secretary, or any other officer duly authorized by the board of directors, under the seal of the company, when the same is in execution of an order of the board, shall be binding and valid.

Sec. 5. That so soon as one hundred thousand dollars of the capital stock of said company is subscribed, and five per cent. thereof paid to the commissioners, they shall cause the first election to be held for directors, first giving notice of the time and place of such election, by publication in some newspaper printed in the city of Houston, and in another published in the city of Marshall, and in another published in the city of Tyler; and when said directors, so elected, shall have organized, the said commissioners shall pay over to the treasurer of the company all the monies they have received upon subscriptions to the stock of the company, and deliver to said directors all the books and papers belonging to the company.

Sec. 6. That said company, when it shall be organized under the provisions of this act, shall be, and is hereby invested, with the right of locating, constructing, owning, operating, and maintaining, a railroad, commencing at the city of Houston, and run-

ning northward to Red River, connecting with the Memphis and El Paso railroad as near Clarksville as practicable, and passing as near to the towns of Montgomery, Huntsville, Crockett, Rusk, and Tyler, as cheapness of construction, practicability, and the general advantages of the country, will permit.

Sec. 7. That said company, after its organization, in pursuance of this act, under the board of directors, shall have power to receive further subscription to the capital stock of said company, until the whole amount shall have been subscribed; but five per cent. of its subscriptions shall be paid at the time of subscribing, and the directors shall be personally liable to said company for five per cent. of all such subscription as they may receive, without such payment; provided, however, that said company may, by a vote of a majority of the votes of the stockholders, issue certificates of stock, to be issued in payment of any debt contracted for the construction or equipment of said road. Any agreement, in writing, to subscribe for stock, may be enforced, according to its terms; and if any subscriber shall fail to pay any amount due upon shares subscribed for by him, according to the terms of his subscription, the directors may sell, at auction, after giving thirty days notice, as required at sheriff's sales; the sale to take place in the county where the company has its principal office, and transfer the shares of such delinquent to the purchaser; and if the proceeds of such sale shall not be sufficient to pay the amount due, with interest and charges, said delinquent shall be liable to the company for the deficiency; but if the proceeds shall exceed the amount due, with interest and charges, he shall be entitled to the excess.

Sec. 8. It shall be lawful for said company to enter upon and purchase, or otherwise take and hold, any land necessary for the purpose of locating, constructing and maintaining said railway, with all the necessary depots and other buildings connected with said railway; and if they shall not be able to obtain such lands by agreement with the owners thereof, they shall pay such compensation as shall be determined in the manner provided in the following section. The land so taken for the road-bed shall not exceed fifty yards in width, and for depots and other buildings, only such width as shall be absolutely necessary.

Sec. 9. Any person, when his land has been taken, as aforesaid, may apply to the County Judge of the county where the land is situated, for the appointment of three freeholders, and said County Judge shall thereupon appoint a time and place to hear the applicant and the company, to whom shall be given reasonable notice of such time and place, and said freeholders

shall, after being sworn, and having heard the parties, determine the compensation to be paid to the applicant, and make return of their award to the next regular term of the County Court of said county, and said award may be confirmed, or for any sufficient reason it may be set aside by said court; and if it be confirmed, judgment shall be rendered thereon as in other cases. In determining the compensation to be paid, as aforesaid, the said freeholders shall be governed by the actual value of the land at the time it was taken, and shall consider the injury and benefit which would result to the adjoining land of the applicants by the establishment of the railroad; and if the benefit shall exceed the injury, the applicant shall receive nothing, but shall pay the cost. If the party claiming compensation before the County Judge shall have refused to take from the company the amount awarded by the freeholders before his application to the County Judge, in that case he shall pay the costs of the proceeding, otherwise the company shall pay the same.

Sec. 10. The said company, in its charges for freight and passengers, shall be governed by the general railroad law; it shall have the right to cross all public highways, that it may be necessary to cross, to establish said railway, and if said road shall cross any stream that is navigable, it shall cross in such manner as not to impede navigation.

Sec. 11. That said company shall have the right to form a junction with any other railroad, at any point between Houston and Clarksville, or at either of its termini, upon such terms and conditions as may be agreed on by the companies; and if, from any cause, said companies cannot agree upon the terms and conditions of such junction, then, and in that case, the same shall be determined by arbitrators, not being stockholders in either company, to be chosen by each party, and if they cannot agree, the difference to be adjusted by an umpire chosen by the arbitrators.

Sec. 12. That said railway company shall have power to borrow money, and issue its bonds, with or without mortgage; provided, that the same be done in conformity to the laws of the State, this act of incorporation, and the by-laws of the company.

Sec. 13. The annual meeting of the stockholders of this company shall be held at the principal office in the city of Houston, on the first Monday of December of each year, which shall be a day for the transaction of business by the stockholders, at which time the annual election for stockholders shall take place. Should the stockholders, owning a majority of the stock, fail to meet on that day, the directors may appoint another day for

said election, and an election held on the day appointed, shall be valid. Directors elected under the provisions hereof, shall hold office until the next annual meeting, and until their successors are qualified and chosen.

Sec. 14. This company shall be subject to all general laws now in force, or which may hereafter be in force in regard to running over the road of one company by another, when the public interest or the interests of commerce requires it, and may form a junction and connect with any other road, in such manner as may best and most certainly secure the construction of their railway.

Sec. 15. This charter shall remain in force for the period of fifty years, from the date of completing said railway; provided, the conditions set forth are fully complied with.

Sec. 16. This company shall be entitled to receive such donations of land as are provided for the encouragement of internal improvements, by any general law of this State, upon the terms and conditions in such law prescribed; provided, that the State donation of lands, now provided for by law, shall not apply to such portion of the road of said company as shall be run parallel within five miles of any road now in running order.

Sec. 17. That subscriptions for stock may be paid in land; provided, that the owner of land who desires to pay for his stock with the same, shall pay the full amount of his subscription in lands at the time of subscribing, at the rate the County Judge of the county in which said land is situated, and the owner shall agree upon; provided, that the title to such land shall not vest in the company until the section of twenty-five miles, which is nearest said land on the line of the railway, shall have been completed.

Sec. 18. That said Railway Company shall have the right of extension, under this charter, from the city of Houston to the city of Galveston, Texas.

Sec. 19. That this Act take effect and be in force from and after its passage.

Passed October 22, 1866.

CHAPTER CI.

An Act to incorporate the Yegua Bridge Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That Ben Stones, A. J. Trumbull, Thomas C. Thom-

son, E. W. Courtney, John Ewing, S. M. Dunlap and A. Jeffries, and such other persons as they may associate with them, and their successors, be and they are hereby constituted and declared to be a body corporate and politic under the name and style of the "Yegua Bridge Company," and under that name may sue and be sued, plead and be impleaded, defend and be defended, in all the courts of the State, and may have a common seal and may alter the same at pleasure.

Sec. 2. That the said company shall be and they are hereby authorized to construct and maintain a bridge over the Yegua River, at or near the crossing of said river known as "Belcher's Crossing," and to purchase and hold such property, real, personal, and mixed, as may be useful for the construction and maintenance of said bridge, and may do and perform all other acts and things that may be necessary for the purposes aforesaid, and not inconsistent with the Constitution and laws of this State.

Sec. 3. Said corporation may enact such by-laws and rules for the management of its affairs, as are contrary to the Constitution and laws of this State, and may elect a director or directors by whom the business of the company may be conducted, and whose name or names shall be made known to the public.

Sec. 4. That the said bridge shall be completed within three years from the passage of this act, otherwise this charter shall be null and void. The said company shall be, and they are hereby required to keep the said bridge and the abutments thereof in good repair, and to keep in constant attendance at the toll gate of the same a sufficient number of persons, to admit persons and property to cross at any time, by day or night, and for any neglect of the requirements of this section the company shall be liable in damages to any person or persons injured or damaged either in person or property by reason of such neglect.

Sec. 5. That the said corporation shall be entitled to charge and receive tolls not to exceed the following rates, to-wit:

For a loaded road wagon with two yoke of oxen, fifty cents, and for each additional yoke, ten cents; if unloaded, one-half the above rates; for a common farm wagon with one yoke oxen thirty cents, and for each additional yoke, ten cents; for a loaded wagon with four or more horses or mules, fifty cents; with two to three horses or mules, thirty cents; with one horse, twenty cents; if unloaded, one-half of these rates; for a carriage or other light traveling vehicle with one pair of horses or mules, twenty cents; for each additional pair, ten cents; and with one horse, fifteen cents; for a stage coach with four or more horses,

forty cents; with two horses, twenty cents; for a horse and rider ten cents; for a foot passenger, five cents; for loose horses, mules, or cattle three cents each; and for hogs and sheep one cent each; and for all other animals and things not herein enumerated, rates of toll proportioned to those herein specified.

Sec. 6. That this act shall take effect and be in force from and after its passage and remain in force for the term of sixty years.

Passed October 24, 1866.

CHAPTER CII.

An Act to incorporate the Sour Lake Tap Railroad Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That John N. Reed, A. M. Gentry, G. H. Bringhurst, H. J. Trube, A. J. Chavanne, their associates and successors are hereby created and established a body corporate and politic under the name and title of the "Sour Lake Tap Railroad Company," and the said corporation are invested with the right and power to contract and be contracted with, sue and be sued, plead and be impleaded, buy and sell real and personal property.

Sec. 2. That the said corporation are hereby invested with the authority, right and power of locating, constructing and maintaining a railroad extending from or near Sour Lake in Hardin county to a point intersecting the Texas and New Orleans Railroad, the point of intersection to be fixed by the Board of Directors of the Company hereby created.

Sec. 3. That the capital stock of said company shall not exceed the sum of two hundred thousand dollars to be divided into shares of one hundred dollars each.

Sec. 4. That the persons named in the first section of this act, with their associates, are appointed commissioners to open books to receive subscriptions to the capital stock of this company. But they shall receive no subscription to the capital stock unless five per cent. thereof is paid at the time the subscription is made. A majority of said commissioners shall constitute a quorum to do business, and they may hold their meetings at Sour Lake as a majority of them may prescribe, due notice by publication having been given at least five days previous, in some newspaper having general circulation in the section where the commissioners may live. The said commission-

ers shall make a record of their proceedings and acts done at their meetings. The amount of stock subscribed, and the record shall be signed by the commissioners present or a majority of them.

Sec. 5. That whenever so much as twenty-five thousand dollars shall be subscribed, and secured as aforesaid, it shall be the duty of said commissioners, or a majority of them, to meet and hold an election for five directors of said company. Notice of said election shall be given by publication at the Court-house of Hardin county at least twenty days previous, and the said commissioners, or a majority of them shall preside at the said election, and give certificates of election to those elected. The time for which each director is elected, shall be one year, but he shall hold until his successor is duly qualified. And should a vacancy occur in the office of director, the board shall fill the vacancy for the residue of the term. No person shall hold the office of President, Director, Clerk or Treasurer unless he shall own at least five shares of stock in said company, and shall be a resident of the State of Texas. In the elections for officers in said company, each share of stock shall represent one vote, and if the owner thereof is not present in person, he may give it by proxy, signed by himself. The Directors of said company shall choose one of their own number to act as President of the Company, and all contracts signed by him shall be valid with the seal of the corporation and attested by the Treasurer.

Sec. 6. That it shall be lawful for said company to receive by donation, and also to purchase and hold any lands that may be necessary for the purpose of locating, constructing and maintaining said railroad, with all necessary depots, houses and buildings, and by their engineers and agents to enter upon and take possession of said lands; and if they shall not be able to receive the same by donation or agreement with the owner, the company shall pay for the same, such an amount, and in such manner as shall be hereafter determined. The lands so taken shall not exceed two hundred feet in width for the railroad, and for depots and other buildings such width as may be necessary.

Sec. 7. That any person from whom lands may be taken under the provisions of this act, may apply to the Judge of the County Court in which the land is situated for the appointment of appraisers, and the Court after being satisfied that due notice has been served upon the President, describing said lands, five days before holding said Court, shall appoint three disinterested citizens of said county and shall appoint a time and place in said county to hear the application. Said commissioners shall pro-

ceed to view the lands damaged, and the adjoining lands, if the owner thereof has any, and shall determine the amount of damage done and make return to the next term of the County Court, and the said report may be confirmed, or for sufficient reasons be rejected by the said Court in the same manner as awards by arbitration. In determining the value of the land, the appraisers shall be governed by the value of said land at the time it was taken, taking into consideration the injury or benefit done the owners of said land by the building of the railroad. If the amount awarded by the arbitrators or Court shall be less than previously offered to the owner by the company, then the owner shall pay all charges that may have accrued, otherwise they shall be paid by the said company, and judgment shall be rendered for costs accordingly.

Sec. 8. That this company may adopt and construct the road on the same gauge that is, or may hereafter be used by the Texas and New Orleans Railroad.

Sec. 9. This act shall be in force from and after its passage, and shall continue for twenty-five years.

Passed October 26, 1866.

CHAPTER CIII.

An Act to transfer the administration of the estate of C. C. Alexander from the county of Smith to the county of Fannin, in the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That the administration of the estate of C. C. Alexander is hereby authorized to be transferred from the county of Smith to the county of Fannin, and the administrators or executors of said estate are authorized, by this Act, to demand and receive from the officers of the County Court of Smith county, a transcript of all the proceedings had in said case, certified to properly, together with all the papers pertaining to the same.

Sec. 2. That executors or administrators shall pay to the officers of the County Court of Smith county, before receiving said transcript and papers, all legal costs held against said estate.

Sec. 3. And, in all things, the administration of said estate, when so transferred, shall be as valid in law as though the same

had been concluded and carried through in the county of Smith.

Sec. 4. That this Act take effect and be in force from and after its passage.

Approved October 26, 1866.

CHAPTER CIV.

An Act to incorporate the Honey Springs Ferry Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That William B. Miller, and such persons as he may associate with him, are hereby incorporated, under the name and style of the Honey Springs Ferry Company, and under such name shall sue and be sued, and have succession for the term of twenty-five years; That they may have a corporate seal, and the right of holding property, real, personal or mixed, for the purpose of carrying out the object of the incorporation, and they may transfer, alienate and dispose of their joint or individual interest therein at pleasure.

Sec. 2. That the said persons, their associates and successors, under the name and style aforesaid, shall be authorized to establish and maintain a Ferry, on the Trinity River, where the public road crosses said river, at the place now known as Miller's Ferry, about six miles below the town of Dallas, which shall be known by the name set forth in the first section of this Act.

Sec. 3. That said ferry shall be established within one month from and after the passage of this Act, otherwise this Charter to be null and void.

Sec. 4. That the County Court of Dallas county shall fix the rates of ferriage to be charged by said company.

Sec. 5. That said company be, and they are hereby required and bound, to keep said ferry in good condition, and to keep in constant attendance at said ferry, a sufficient number of persons to cross passengers and property at any time, day or night.

Sec. 6. That this Act take effect and be in force from and after its passage.

Approved October 26, 1866.

CHAPTER CV.

An Act supplementary to and amendatory of an act entitled an act to incorporate the Texas Copper Manufacturing Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That the caption of An act entitled an act to incorporate the Texas Copper Manufacturing Company, approved May 28th, 1864, be so amended as hereafter to read as follows: "The Texas Copper, Mining and Manufacturing Company."

Sec. 2. That the second and third sections of the above recited act shall hereafter read as follows: Section 2 That said company be and is hereby established, with the right to erect, own and operate a Copper, Iron, Sulphur and Saltpetre Mine and Manufactory, at such place or places (within the limits of the counties of Clay, Wichita, Archer, Wilbarger and Baylor) as said company may elect. Section 3. That the capital stock of said company shall be divided into shares of one hundred dollars each, and the holders of said shares shall constitute said company, and said capital stock shall not exceed one million of dollars.

Sec. 3. That this Act take effect and be in force from and after its passage.

Passed October 27, 1866.

CHAPTER CVI.

An Act to incorporate the San Antonio Oil, Coal, Mining and Manufacturing Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That Hugh F. Young, of San Antonio, Texas, and his associates, successors and assigns, be and are hereby constituted, a body corporate and politic, by the name and style of the "San Antonio Oil, Coal, Mining and Manufacturing Company," and by that name and style shall have twenty-five years succession, with power to contract and be contracted with, sue and be sued, to plead and be impleaded in that name, to have a common seal, to engage in mining and boring for petroleum or rock oil, coal, salt water, iron, or minerals of any kind, and the privilege of erecting works for the purpose of manufacturing any or all of said products for market, transporting and selling the same, as pro-

ducts of said business, and of the land now owned, by lease or otherwise, or which may hereafter be owned by said parties, in their corporate capacity, in this State; to hold their meetings at their office in San Antonio, transport and sell their oil, coal, iron, salt and other products, within or without the State, and to have all other powers needful and proper for the successful prosecution of their business, and for the execution of the powers herein granted; that said corporation may organize said company, by the election of a President, and such other officers and managers as they may deem necessary, at such time and place as they may designate, by notice previously given, (which notice shall be given within six months of the passage of this Act) and when organized, the company shall have power to make such by-laws, rules and regulations as they may deem necessary, from time to time, for the government and prosecution of the business of said corporation, not inconsistent with the Constitution and laws of this State.

Sec. 2. The capital stock of said company shall be two hundred thousand dollars, and said company shall have power to increase the same, from time to time, not exceeding one million dollars; the said company may buy, lease or rent any suitable lands, mines, oil iron, coal, salt, or other mineral rights and privileges, rights of way and other property necessary for their business, and may dispose of the same or any portion of it, by sale or otherwise; they may receive real estate, lease and hold mining and boring rights and rights of way, and other property, in payment of such part of subscription or stock as they may deem advisable.

Sec. 3. Said company may erect and build on any of their lands such buildings, engines, machinery and fixtures as may be deemed convenient and proper for carrying on and conducting the said business of said corporation.

Sec. 4. That the principal office of said company shall be at the city of San Antonio, Bexar county, and that service may be made thereon, by service on the President or Secretary thereof.

Sec. 5. That this Act be in force from and after its passage.

Passed October 27, 1866.

CHAPTER CVII.

An Act incorporating the city of Navasota, in Grimes county.

Section 1. Be it enacted by the Legislature of the State of Texas, That all the inhabitants of the city of Navasota, in the

county of Grimes, be and they are hereby constituted a body politic and corporate, with perpetual succession, by the name and style of the city of Navasota, and as such, by that name, shall be capable of contracting, and being contracted with, suing and being sued, impleading and being impleaded, answering and being answered, in all courts and places, and in all matters whatsoever; may purchase and hold real, personal and mixed property, and dispose of the same, for the benefit of said city, and may have and use a corporate seal, and change and renew the same at pleasure.

Sec. 2. That the limits of the said city shall be as follows, to-wit: Beginning at a point one mile due north of the crossing of the Houston, Texas, and Central Railroad, over the Washington and Anderson public road, thence due east one mile, thence due south two miles, thence due west two miles, thence due north two miles, thence due east one mile, to the place of beginning; provided, said limits may be hereafter extended by adding additional territory to the same, whenever a majority of the inhabitants of said territory shall indicate a desire to be included within the limits of said city.

Sec. 3. That the municipal affairs of said city shall be administered by a Mayor, eight Aldermen, a Secretary, or Recorder, a Treasurer, a Marshal, a Superintendent of Streets, and such other subordinate officers as the Board of Aldermen may, in their judgment, deem necessary, to the due regulation thereof.

Sec. 4. That every free white male person who shall have attained the age of twenty-one years, and become a citizen of this State, and shall have resided within the limits of said city for twelve months next preceding the election, shall be entitled to vote for Mayor and Aldermen of said city.

Sec. 5. That for the purpose of holding elections for city officers, the said city shall be divided into four wards, to contain as near as may be practicable and convenient, an equal number of voters; and it shall be the duty of the board of Aldermen to alter said wards from time to time, in such manner as to preserve as nearly as may be, an approximated equality of voters. The Mayor shall be elected by the qualified voters of the city, voting by ballot in their respective wards, and shall hold his office for one year from the date of his election, and until his successor shall be elected and qualified. At the first election held under this charter, there shall be elected by the same voters voting in their respective wards, two Aldermen from the first ward, two Aldermen from the second ward, two Aldermen from the third ward, and two Aldermen from the fourth ward, according

to the provisions of the next succeeding section of this act. At the first meeting of the said board of Aldermen, so elected, it shall proceed to divide, by lot, the two members from each ward into two classes, and those of the first class shall hold their offices for one year; those of the second class, for two years; and until their respective successors are duly elected and qualified, so that thereafter there shall be elected, at each annual election of Mayor, one Alderman from each ward, who shall hold their offices for two years, and until their successors are elected and qualified. The said Mayor and Aldermen, before entering on the duties of their offices, shall take and subscribe to the same oath which is administered to county officers, before the incumbent Mayor, County Judge, or any Justice of the Peace of the County.

Sec. 6. That the said city election shall be held on the first Monday in November, in each and every year, and shall be conducted as follows: There shall be chosen by the board of Aldermen, at least ten days previously thereto, for each and every ward, three good and discreet men as managers of the election, of which appointment, and of the time and place of the election, the Mayor shall give at least ten days public notice. On the day of election, the said managers shall meet at the places designated, and having appointed two clerks, and being themselves and their clerks duly sworn by the Mayor, or any Justice of the Peace, to the faithful performance of their duties, without fear or favor, shall proceed to receive the votes of their ward, for one Mayor, and such Aldermen as are to be elected, administering to each voter, of whose qualifications there may be doubt, previously to his voting, the following oath: You do solemnly swear (or affirm) that you are qualified, by law, to vote for officers of this city, so help you God. The managers shall hold the polls open from ten o'clock, a. m., until four o'clock p. m., and shall keep a correct list of all persons admitted by them to vote, numbering each voter, and marking each ticket with a corresponding number, as in the case of State elections. As soon after the closing of the polls as practicable, they shall proceed to count the votes, and shall make due return thereof, certified under their hands and seals, which said return, together with a certified list of the persons voting, they shall envelope, under seal, and transmit by one of themselves, to the Mayor incumbent. The said Mayor incumbent shall, within twenty-four hours after receiving the said returns, call together the board of Aldermen, who shall, in public meeting, proceed to open the returns, and decide upon the election. The person having received the greatest number of votes for Mayor, being declared elected Mayor, and the person

having received the highest number of votes in each ward for Aldermen, being declared elected Aldermen of their ward, in accordance wherewith, the Mayor incumbent shall deliver to the Mayor and Aldermen elect the certificates of their election, under his hand, and the seal of the city, (if no seal, using a scroll for seal,) and in case the Mayor incumbent be absent, indisposed, or for any other reason, unable, or refuses to receive said returns, or having received the same, neglect to call a meeting of the board of Aldermen, or having called a meeting thereof, the said board shall not meet, or having met within the time prescribed, shall not open the returns, and declare the elections, then, and in either case, the election shall not be void, but the managers shall make out duplicate returns of the said election, and having certified, sealed and enveloped the same as before shall transmit them to the County Judge of the county, who shall forthwith proceed to determine the election, and deliver certificates of the same, under his hand and official seal, to the persons entitled, in the same manner as the board of Aldermen and Mayor should have done. The Mayor and Aldermen elect shall, on the first Monday after their election, or as soon thereafter as practicable, be regularly installed into their offices, in conformity with the last clause of the fifth section of this act. Should any of the managers of the election fail to attend at the proper time, and place, the one or two who may be present, shall elect from among the by-standers, a suitable person or persons to fill the vacancy so occasioned; and should none of said managers be present, then the by-standers, being voters, shall themselves select three suitable persons to conduct said election, who shall proceed to hold the election, and make returns thereof, in the same manner as the regular managers should have done had they been present.

Sec. 7. That the board of Aldermen, at its first meeting after that in which the members were installed into office, shall proceed to elect from without their own body, a Recorder, or Secretary, a Treasurer, an Assessor and Collector, a Marshal, and a Superintendent of Streets, and such other subordinate officers as may have been created under the third section of this Act. The candidate receiving the highest number of votes, being declared elected. The Treasurer, Assessor and Collector, Recorder, or Secretary, and Marshal, shall each enter into bond, payable to the Mayor of the city, and his successors in office, with two or more good and sufficient sureties, in such sum as the board of Aldermen may direct, conditioned for the faithful performance of the duties of their several offices; whereupon the board of Aldermen shall, by motion, order the Treasurer, Assessor and Col-

lector, Recorder, or Secretary, and Marshal, lately incumbent, to deliver over to those several officers elect, all moneys, books, papers, records, and all matters and things whatsoever, which they or either of them may have in his or their possession, belonging to their said several offices, without which order, under the hand and seal of the Mayor, the said several officers shall not permit any moneys, books, papers, records, and other things, to be taken from the possession of them, or either of them; and if the said several officers, or either of them, shall, upon the receipt of such order so certified, refuse or neglect to deliver over to their several successors the said moneys, books, papers, records, and other things, or any of them, they, or either of them, so offending, shall be deemed guilty of contempt, and upon conviction thereof in the city court, shall be adjudged to pay a fine not exceeding one hundred dollars, and to be imprisoned not exceeding seven days for every week that he or they shall so retain the same, said fine to be collected by execution issued from the said court against the estate of them and their sureties; provided, that for the time being, or as long as it may be good policy, and to the interests of the city, the Board of Aldermen shall have the power to consolidate the offices of Assessor and Collector, Superintendent of Streets, and Marshal, and require of the Marshal to perform all the duties of the same, under penalties and bond deemed sufficient by the board of Aldermen.

Sec. 8. That the Mayor of the said city shall be the chief executive and judicial magistrate thereof, and as such shall be vigilant and active in causing the laws, ordinances, and regulations of the city to be executed and enforced. He shall take instant measures for the quelling of all riots and discords, and the disperson of all unlawful assemblages of persons in said city. He shall exercise a general supervision over the conduct of all subordinate officers, and cause their violations of law, or neglect of duty, to be reported to the board of Aldermen, to be punished by fine not to exceed one hundred dollars, or by dismissal from office, as they shall see fit. He shall, at the request of three Aldermen, or whenever he may deem it advisable, call special meetings of the board of Aldermen, causing due notice to be given to each member thereof, and shall preside at all meetings of the said board, but shall have no vote, unless there be a tie, in which case he shall give the casting vote. He shall, from time to time, communicate to the board of Aldermen such information and recommend such measures as the welfare of the city may, in his judgment, render necessary, and generally shall do and perform all such acts and duties which the said board of Aldermen may

lawfully require of him as the chief magistrate of the city, and said court shall have cognizance of all misdemeanors, breaches of the peace, infractions of the ordinances, and all other cases arising under the laws of said city, and shall be deemed always open for the trial of said cases. The said Mayor, as Judge thereof, shall have power to issue subpoenas, writs, executions, and other process, known to the law, which a Justice of the Peace of this State may lawfully issue, and the said subpoenas, writs, executions, and other process, shall be issued, served and executed, under the same forms, and in the same manner, as the like process should be when issued by a Justice of the Peace. He shall have power to punish all contempts, and for his services the said Mayor shall receive such stated salary as the board of Aldermen may deem sufficient, which shall not be increased or diminished during the term of service of any incumbent, and his fees shall be the same for services of like character as those of Justices of the Peace, as fixed by law.

Sec. 9. That the board of Aldermen shall be composed of two Aldermen from each of the four wards of said city, and shall have full power and authority to make and establish such ordinances, regulations, laws, and by-laws, as they shall deem necessary for their own government, and to preserve the peace, cleanliness, comfort and salubrity of said city, to secure the safety and convenience of passing in the streets, alleys, squares, levees, and other public ways; to direct the construction, maintenance, and repairs of side walks in the said streets, at the cost of the proprietors of neighboring houses and lots, and to determine the dimensions thereof, to establish rules and regulations in relation to partition walls and fences; to require all low grounds and lots in said city to be drained and filled up by the proprietors thereof; and in case of their refusing or neglecting so to do when ordered, to cause the same to be drained and filled up, and the premises to be sold to defray the expenses thereof; provided, nevertheless, that the proprietor of the lots or land so sold, shall be entitled to receive that part of the purchase money which may remain after defraying the expenses of draining, filling and selling the same. The said board shall have the power to establish quarantine, and all other regulations, which may be necessary to prevent the introduction or spread of contagious epidemics or infectious diseases; organize a fire department, and to regulate the same, and to pass such other laws as may be deemed necessary for the prevention and extinguishment of fires; to build a city hall and jail, and to establish a city guard, or patrol, and to regulate the same; to provide for lighting of the streets, to es-

establish one or more market-places, to provide for the inspection of all comestibles offered for sale therein, or elsewhere, and otherwise to regulate the same; to prevent forestalling and regrating, and to punish the same; to establish and enforce, by suitable penalties, the proper weights and measures; to regulate the assize and quality of bread, and everything that relates to butchers, bakers, tavern-keepers, and other persons keeping public houses, beer saloons, or grog-shops, draymen, hack-drivers, hearse-drivers, water-carriers; to prevent the establishment within the said city of houses of ill-fame, or any other place of resort for gambling, or other vicious purposes; to establish hospitals for accommodation of destitute sick persons; poor houses for the infirm and indigent, and work-houses for the confinement of common beggars, vagrants, and other idle and vicious persons, and to pass such laws and appoint such officers as they may deem necessary for the due management thereof; to provide places for the storing of gunpowder, the burying of the dead, and the reception of carrion, offals, tainted provisions, and other filth from within the said city, and to prevent the use of any other place within said limits for the same purposes; to prohibit the establishment of slaughter-houses, or any other nuisance, within said city, and generally to do such other acts, and to pass such ordinances, not inconsistent with the Constitution and laws of this State or of the United States, as may conduce to the interest and welfare of said city; provided, that no ordinance, law, or by-law, passed in pursuance of this act, shall go into effect unless the same be approved by the Mayor, or being disapproved by him, it be passed by a vote of three-fourths of the whole board, nor until five days after the same shall have been published in one of the newspapers of the city, unless, in the opinion of three-fourths of said board, the emergency may be such as to require a departure from this rule. An attendance of three-fourths of the members of the board shall be necessary to form a quorum, and the said board, by a vote of three-fourths of the whole board may, at any time, for cause assigned, dismiss any officer elected by the board, and elect a new incumbent; and to defray the expenses of said city, the said board are hereby fully authorized and empowered to impose a direct property and license tax upon all such persons, property and employments, as are liable to taxation, under the Constitution and laws of this State, and to make and execute all laws necessary to enforce the collection of the same; provided, nevertheless, that no property tax (unless for special purposes, and specially provided for by act of this Legislature,) shall, for any one year, exceed the one-half of one per cent. of

the value of the property, nor any license tax, the sum of two hundred dollars, nor shall any tax be levied without the concurrence of three-fourths of the whole board in its favor; and in order the more effectually to enforce the ordinances of the said city, the said board of Aldermen shall impose upon the violation thereof such fines and penalties, not exceeding one hundred dollars, and such imprisonment, not exceeding fifteen days, to be collected and inflicted through the city court, herein before provided, as they may deem necessary and proper.

Sec. 10. The board of Aldermen of said city of Navasota shall have the power, for municipal purposes, to levy a poll tax of one dollar each, on all male inhabitants between twenty-one and sixty years old; the enforcement and collection of which tax shall be made under the same regulations as herein before provided in this act.

Sec. 11. That the Treasurer of said city shall receive, and securely keep, all monies belonging to the said city, and make all payments for the same, upon the order of the Mayor, attested by the Recorder, or Secretary, and the seal of the city; he shall keep regular and correct accounts of their real, personal and mixed property, and shall render a correct statement of his receipts and payments to the board of Aldermen at their first regular meeting in every quarter, and whensoever at other times he be required by them to do so, and at the end of every half year shall cause to be published, at the expense of the city, a statement showing the amount of receipts and expenditures for the six months next preceding, and the general conditions of the Treasury, and shall do and perform such other acts and duties as the board of Aldermen may lawfully require of him as the Treasurer of the city; and for his services the said Treasurer shall receive such compensation as the board of Aldermen may deem sufficient, the said compensation not to be changed during the term of service of any incumbent.

Sec. 12. That the Assessor and Collector of the city shall make up the assessment of all property taxed by the city, and collect the taxes of every kind as they shall become due and owing, and generally perform all the duties in relation to city taxes, as are required of the State Assessors and Collectors in regard to the State and county taxes, under such forms and regulations as the Board of Aldermen may prescribe, and shall pay over to the Treasurer, every month, the moneys he shall have received, and make a report thereof to the board of Aldermen at their first regular meeting in every quarter. All assessments of property shall be made under oath by the party returning the

same; if the appraisement be unsatisfactory to the Assessor, it shall be referred to a board of three commissioners, being owners of real estate in the city, to the value of one thousand dollars, and entirely disconnected with the administration of the city, who shall be appointed by the board of Aldermen, and whose decision shall be final. The same commissioners shall assess the value of all property whose owners are unknown, or which may not have been returned, and receive for their services such remuneration, not being a per centage, as the board of Aldermen shall think proper.

Sec. 13. That the Marshal be the chief constable of the said city, and shall either in person, or by one of his deputies, attend upon the city court while said court may be in session, and shall faithfully execute all process issued from the said court; he shall be active in quelling riots, disorders and disturbances of the peace, within the limits of said city, and shall take into custody all persons so offending against the peace of the community, and him, her, or them, have before the city court, if in session; if the said court be not then in session, the said Marshal shall commit the person or persons so offending to the city jail, there to be securely kept in custody until the city court shall be in session, when he, she or they shall forthwith be taken before the said court, there to be fined and punished according to the laws of the city and sound discretion of the court; provided, that said Marshal may, at his discretion, take suitable and sufficient bail for the appearance before the city court of any person charged with an offense against the ordinances or laws of the city, being himself responsible for the appearance of said accused. The said Marshal, for the more efficient discharge of his duties, may appoint one or more deputies, who shall have the same powers and perform the same duties as the Marshal has or should perform, the said Marshal being responsible for the faithful performance of their duties by his said deputies, and for his services the Marshal shall receive the same fees as the sheriff of the county does by law receive for like services, and such other compensation, if necessary, as the board of Aldermen may deem sufficient.

Sec. 14. That the Superintendent of Streets shall supervise all work undertaken by the board of Aldermen upon the streets, alleys and public squares of the city; direct the grading of the same, and the construction of sidewalks, so as to preserve a due uniformity in their height and width; inspect the draining and filling up of all such lots and low grounds as may be ordered by said board; superintend the building of all bridges and culverts, and control all gangs of workmen employed by the city upon

the streets, alleys, squares or other public thoroughfares, and generally do all other acts and things which the board of Aldermen may lawfully require of him, and for his services shall receive such stated salary as said board may determine.

Sec. 15. That such officers as may be created by the board of Aldermen, under the third section of this act, shall have such powers, perform such duties, be subject to such penalties, and receive such compensation as the board may direct, and the said city of Navasota shall always be responsible to any person or persons for any trespass, wrong, injury or damage done to such person or persons, contrary to law, by any of the officers of said city, under color or pretence of his office, and the said city of Navasota may be amerced in damages for the same in any suit or suits brought against the said city in the courts of this State.

Sec. 16. That for the more efficient discharge of their several duties, the Mayor of said city shall be ex-officio Justice of the Peace, and as such, he shall take cognizance of all crimes and misdemeanors under the laws of this State, committed within the limits of said city, and do and perform all other acts which a Justice of the Peace may lawfully do, except that he shall in no case entertain jurisdiction over civil suits. And said Mayor and the Marshal and his deputies are hereby fully authorized and empowered to call to their aid the assistance of any person, resident in the said city, whenever in the discharge of their several duties, in cases of riot, disorder, breach of the peace, or resistance to their lawful authority, they may need the same; and any person or persons who shall, when so called upon, neglect or refuse to render his assistance, shall, on conviction thereof, in the city court, be liable to such fine not exceeding one hundred dollars, and such imprisonment, not exceeding ten days, as the said court shall, in its sound discretion, impose.

Sec. 17. That whenever a vacancy shall occur in the board of Aldermen, or any other office in said city, by death, resignation, removal, or otherwise, or whenever, from any cause, the regular election shall not be held at the proper time, the board of Aldermen may and shall, as soon as practicable thereafter, order an election to fill such vacancy, or to supply the place of such omitted election, and the said election, so ordered, shall be conducted in all things in the same manner as herein before prescribed for the regular elections; and in case of the sickness of any officer, and until the vacancy shall be filled by such election, the board of Aldermen are hereby fully authorized and empowered to appoint other persons (if it be the office of the Mayor or from their own, and if any other officer from without their body)

to fill such office until such sick person shall recover, or such vacancy be filled by election by the people, or by the board of Aldermen, and the person so appointed shall have the same powers, perform the same duties, be subject to the same penalties, and receive the same compensation for the time being, as if he had been duly elected to said office.

Sec. 18. The board of Aldermen shall hold their regular meetings on the first and third Mondays of each and every month, and may meet at any other time that the Mayor shall, in his discretion, call them together, or any three of themselves shall deem necessary. Each member of said board shall receive for every regular meeting which he shall attend, the sum of two dollars, and any member who shall fail to attend a regular meeting, shall, for each and every such failure, be fined three dollars, unless prevented from attending by sickness of himself or his family, or absence from the city; and no member of said board shall be appointed to any employment, contract, or office, under the said corporation, except to the office of Mayor, pro tempore, as provided in the next preceding section.

Sec. 19. That all real estate which may be sold by or under the direction of the corporate authorities of said city, for taxes, or to pay the expenses of draining and filling up the same, as provided in the ninth section of this act, may be redeemed at any time within two years from the date of sale by the proprietor, his heirs, executors, or administrators, paying to the purchaser thereof, his representatives or assigns, or depositing with the Assessor and Collector, for his or their benefit, double the amount of the purchase money and of the taxes, which he or they may have subsequently paid thereon, nor shall any title issue to said purchaser before the expiration of said two years, but only a certificate of purchase, saving, nevertheless, to infants, femmes covert, and persons non compos mentis, in addition to the two years, the period of infancy, coverture, or mental disability.

Sec. 20. That in any court in this State, in which the said city of Navasota shall be a party, it shall be no exception to competency of a witness that he is an inhabitant of, or the owner of taxable property, in the said city; and all writs, notices and other process, served upon the Mayor, or person acting in his stead, for the time being, shall be deemed to be served upon the city of Navasota.

Sec. 21. That D. W. Shannon, D. D. Atchison and W. S. Thomas, or any two of them, be, and they are hereby authorized, to divide said city into wards, according to the provisions of this act; to order an election to be held in each of said wards

on the first Monday of November, eighteen hundred and sixty-six, or as soon thereafter as practicable, for a Mayor and Aldermen of said city, to appoint managers to conduct said election, to receive and count the votes, and to issue certificates of election to the parties entitled to receive the same.

Sec. 22. That this Act take effect and be in force from and after its passage.

Passed October 27, 1866.

CHAPTER CVIII.

An Act to Incorporate the Texas Insurance Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That William G. Webb, his associates and his and their successors and assigns, be and they are hereby constituted a body corporate and politic, under the name and style of "the Texas Insurance Company," and under the said name and style shall have power to purchase, hold and convey real and personal property, make contracts, have succession, and a common seal; in person or through its President and Directors, to make, repeal, alter and amend by-laws for the government of the company, the sale and management of its property, and the control of its business, employees, officers and agents, and may sue and be sued, plead and be impleaded, and have all legal and equitable remedies allowed by law, and have and exercise such other powers not inconsistent with laws, as may be necessary, incident and proper to the success of its business.

Sec. 2. Said company shall have power to issue policies, open or otherwise, and make insurance upon all species of property liable thereto against destruction or damage by fire, water, wind, lightning or other causes, and all other risks upon land or water; also upon lives to be paid upon death, or at a specified time, or the happening of a specified event; also upon health, and against accidents upon land or water to persons or property; also upon the lives of domestic animals with same powers as in case of persons; also to contract for, and grant annuities, and issue annuity policies; also to renew any of their policies, and to do and perform such other acts and powers as are common to insurance companies of the United States in similar cases. And the assured or beneficiary in a policy or annuity may, or may not participate in profits as may be agreed on, and specified in the

policy, and where not specially specified, there shall be no participation in profits; or to exercise such of said powers as to the company may seem proper.

Sec. 3. Said company shall also have power to receive deposits of any choses in action, bills receivable and any kind of personal property as security, or on trust, and to accept trusts; also loan its money or assets on bottomry and respondentia security, upon terms recognized by the common law, and also to loan the same upon such terms as may be agreed on, not exceeding twelve per cent. per annum; also to invest its monies, property and assets in bonds of the United States, of this State, or any other State or government; and at any time to bargain, sell, assign or convey any of its property or assets or securities; provided, upon the happening to the company of a loss upon any policy issued by it, a lien shall exist in favor of the beneficiary of such policy, upon all of the assets, securities and property of the company, until such loss be paid.

Sec. 4. That each policy issued by the company shall be signed by the President and attested by the Secretary with the seal of the company affixed. Each policy in the body thereof, or printed or written upon the paper or material containing the same, and recognized in the body of the policy, shall specify the terms and conditions of the policy, and both parties shall be bound thereby.

Sec. 5. The officers of the company shall be a President, Secretary, and such others as the by-laws of the company may prescribe to be elected or appointed in the manner prescribed in such by-laws.

Sec. 6. The business of the company may be carried on at different places, but the residence of the President, Secretary or agent of the company, shall be in the State of Texas, and the permanent office of the company shall be located at any place in the State that a majority of the stockholders shall designate, and in any suit where service of process or notice may be necessary it shall be sufficient to serve the same upon the President in person, or in case he cannot be found, then by leaving a copy of the same with some free white person at his residence or office.

Sec. 7. For liabilities of the company, each stockholder shall only be liable for the amount subscribed by him or her and this liability shall cease from and after the payment of the stock to the company. The by-laws of the company may prescribe rules for the forfeiture of stock subscribed, either for non-payment of the whole, or a part, and upon such forfeiture being declared, the liability of the stockholder shall cease.

Sec. 8. The by-laws may require bonds with or without security from the officers, and agents of the company, or any of them, conditioned and to be approved as prescribed in such by-laws, and any such bond upon any condition or conditions thereof being broken may be sued upon, and a recovery had in any competent court.

Sec. 9. Stock in the company shall be personal property, and shall be assignable only upon the books of the company, in such manner as the by-laws may prescribe.

Sec. 10. The by-laws may prescribe the requisites for representation of stockholders in a stockholders meeting; also what shall constitute a quorum to do business, and also from time to time, how the stock subscribed shall be payable. Representation by proxy may be allowed in such manner as the by-laws may prescribe. The amount necessary to make a share shall also be fixed by the by-laws; and also the amount of the capital stock.

Sec. 11. Said Webb shall have power to take and receive subscriptions of stock; and after fifty thousand dollars shall have been subscribed he shall call a meeting of the stockholders at a time and place to be designated by him, for the purpose of organizing, and shall give notice to each stock subscriber. And at said meeting, or some subsequent one, the company shall be organized.

Sec. 12. That whenever said company shall satisfy any County, District or Supreme Judge, the Governor or Treasurer of the State, that at least twenty thousand dollars of the stock subscribed has been paid in to the company, or the officers of the same appointed to receive it, and that the company has organized according to the requirements of the eleventh section of this act, the company may proceed to issue policies, and to exercise the other powers conferred by the second and third sections of this act, or any of them, and not before. And a certificate of either of said officers as to said matter herein required, shall be satisfactory evidence of the fact.

Sec. 13. This Act shall take effect and be in force from and after its passage, and remain in force for the period of twenty-five years.

Passed October 27, 1866.

CHAPTER CIX.

An Act for the relief of C. M. Winkler.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of six hundred and thirty dollars be, and the same is hereby appropriated to be paid C. M. Winkler for services rendered as Judge of the thirteenth Judicial District.

Sec. 2. That the State Treasurer be, and he is hereby authorized and required to pay said sum of six hundred and thirty dollars upon the written order and receipt of the said C. M. Winkler.

Sec. 3. That this Act take effect and be in force from and after its passage.

Approved October 27, 1866.

CHAPTER CX.

An Act supplemental to an Act to organize the Air Line Railroad Company, approved January 30th, 1860.

Section 1. Be it enacted by the Legislature of the State of Texas, That said Company shall have two years from the first day of January next to complete the first section of twenty-five miles of said Road, and shall be entitled to all the rights and benefits granted in said Act.

Sec. 2. That said Company shall have the power and authority to consolidate said Company with the Washington County Railroad Company, or any other Company that may give assurance of an early completion of said Road from Brenham to the city of Austin.

Sec. 3. That this Act take effect from and after its passage.

Approved October 27, 1866.

CHAPTER CXI.

An Act to incorporate the Bastrop Casino Association.

Section 1. Be it enacted by the Legislature of the State of Texas. That C. Wertzner, A. Elzner, C. Erhard, Wm. Miller,

H. Hoppe, and their Associates and successors be, and they are hereby constituted a body corporate and politic for the promotion of education, morals, benevolence and the encouragement of scientific and literary pursuits, under the name and style of the Bastrop Casino Association, and by that name may receive, hold, enjoy, sell, convey and alienate property, real and personal, and by the aforesaid name may sue and be sued, defend and be defended, plead and be impleaded, in any Court of law or equity within this State; provided, nothing herein contained shall be so construed as to authorize the purchase and sale of lands for speculative purposes, or to hold any more real estate than may be necessary to carry into effect the purposes set forth in this Act.

Sec. 2. That said Casino Association shall have power to make such a Constitution and by-laws as they may deem necessary for their own government not contrary to the Constitution and laws of this State, and may elect from their own body the officers necessary for conducting the business of said Association.

Sec. 3. That said Corporation shall have a common seal, and may alter or change the same as they may deem proper, and in general, have and exercise all such rights, privileges and immunities as by law are incident to, and necessary for corporations of a similar character.

Sec. 4. That the privileges, immunities and franchises of this Corporation shall expire, unless renewed, within twenty-five years.

Sec. 5. That this Act take effect and be in force from and after its passage.

Approved October 27, 1866.

CHAPTER CXII.

An Act to incorporate the East Fork of Trinity Bridge Company, on the road leading from Dallas, in Dallas County, to Kaufman, in Kaufman County.

Section 1. Be it enacted by the Legislature of the State of Texas, That J. W. Sweet, J. J. Beeman, and such other persons as they may associate with them, be, and they are hereby created a body corporate, under the name and style of the East Fork of Trinity Bridge Company, and by that name may sue and be sued, plead and be impleaded, and may have a common seal, with

full power to construct a bridge across the East Fork of Trinity river.

Sec. 2. That so soon as said Company shall complete said bridge, the County Court of Dallas county shall inspect the same, and if said Court shall find the said bridge completed in good order, shall give a certificate to said Company certifying that the said bridge is in good condition for the safe passage of persons traveling over the same; then said Company shall be authorized to demand and receive the following rate of tolls, viz: For each wagon, ten cents per wheel, and five cents per head for the team attached thereto; provided, that in no instance said Company shall receive more than one dollar for any wagon and team crossing at one time; for each buggy and one horse, thirty cents; buggy and two horses, forty cents, each; loose horse, mules or cattle, two cents per head; for each sheep, hog or goat, one cent per head.

Sec. 3. That if any person shall cross on said bridge, or drive any horses, mules, cattle, sheep, goats or hogs, or any wagon or other carriage, without paying the toll thereon, other than is herein provided, or shall obstruct or damage said bridge, the said Company shall have a right of action to recover such tolls or damages sustained, in any Court having competent jurisdiction.

Sec. 4. That should any person or persons traveling over said bridge, be detained or damaged, either in his person or property, by reason of the insufficiency of said bridge, or by or through the negligence of said Company, then the said Company shall be liable to the person or persons so detained or damaged, in action of damage in any Court of competent jurisdiction.

Sec. 5. That said Company shall enjoy the rights and privileges herein granted, for the term of twenty years from and after the completion of said bridge.

Sec. 6. That said Company shall have two years for the completion of said bridge from and after the first day of March, A. D., 1867, and in case said bridge be not completed in that time, then this Charter to be forfeited.

Sec. 7. And this Act take effect and be in force from and after its passage.

Approved October 27, 1866.

CHAPTER CXIII.

An Act supplemental to an Act to incorporate the Sabine and Galveston Canal and Slack-water Navigation Company, passed at this session of the Legislature.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Sabine and Galveston Canal and Slack-water Navigation Company, before it succeeds to the franchise of the Galveston and Brazos Navigation Company, as provided in the twelfth section of the Act to which this is a supplement, shall make compensation to the said Galveston and Brazos Navigation Company for said franchise, or so much thereof as may thereby be conferred on the said Sabine and Galveston Canal and Slack-water Navigation Company,

Sec. 2. That the ninth section of the Act to which this is a supplement is hereby repealed.

Sec. 3. That this Act take effect from and after its passage.

Approved October 27, 1866.

CHAPTER CXIV.

An Act to incorporate the Greenville Male and Female Academy.

Section 1. Be it enacted by the Legislature of the State of Texas, That A. G. Pace, Fred. Ender, N. McDougald, J. H. Young, J. J. Cooper, H. F. Wall and John Bryant, with their associates and successors in office, be, and they are hereby incorporated a body politic, under the name and style of "Greenville Male and Female Academy;" and by that name may sue and be sued, plead and be impleaded, acquire, hold and transmit property, both real and personal, and may have a common seal for the transaction of all business pertaining to the interests of said Academy, and may do and perform all things necessary to carry out the provisions of this Act for the benefit of the said Academy, and may establish such rules and regulations for the government thereof as may be deemed necessary, and which may not be inconsistent with the Constitution and laws of the State of Texas, and, in short, may do and perform all other acts incident to similar institutions, for the benefit of the same.

Sec. 2. That said Academy shall be located at the town of

Greenville, in Hunt county, State of Texas; shall have a male and female department, in which shall be taught all branches of an education usually taught in institutions of a similar character, and shall be open to pupils of every religious denomination; shall never become sectarian in its character, nor shall the peculiar doctrines of any sect be taught therein.

Sec. 3. That there shall be elected annually, on the first Wednesday in October, a Board of Trustees, consisting of not more than fifteen and not less than seven, from the stockholders and members of said body politic, who shall hold their office for one year and until their successors are duly elected; which said Board of Trustees shall have power to elect a President and such other officers from their own number as they may deem necessary, and may have power to require said officers to give bond to the President of said board for the safe keeping and proper disposal of all moneys and property entrusted to their care, and also for the faithful performance of their duties as such officer or officers.

Sec. 4. That the persons hereinbefore named shall constitute the first Board of Trustees, and shall hold their office until the time appointed for the annual election of Trustees for said institution of learning.

Sec. 5. That said Board of Trustees, and their successors in office, shall have power to receive, as donations or otherwise, any lands, tenements, moneys, rents, goods, chattels and effects, that may be given, granted, donated or devised to said Academy, for the purpose of education, not to exceed in value, exclusive of the buildings and grounds belonging to said institution of learning, one hundred thousand dollars; and that any person holding or owning stock in said corporation, may sell and transfer the same at pleasure.

Sec. 6. That all conveyances of property of said Academy made by said Board of Trustees may be acknowledged by the President of said board, in the same manner as is required by law of private persons; and said Board of Trustees shall attend the regular commencement at the close of each session of ten months, at which time a full report in regard to said institution shall be prepared and signed by the President and Secretary of said Board of Trustees.

Sec. 7. That this Act take effect and be in force from and after its passage.

Approved October 27, 1866.

CHAPTER CXV.

An Act to amend the Charter of the City of Austin.

Section 1. Be it enacted by the Legislature of the State of Texas, That clause 39 of section 7 of an Act to incorporate the city of Austin, approved the 28th day of October, 1856, be so amended as to read as follows, to wit:

“THIRTY-NINTH.

“To prevent the assemblage of idle persons at or near store-house doors, whereby the trade of such house is interrupted, and also to prevent or restrain any riot, rout, disturbance or disorderly assemblage in any street, house or place in the city.”

Sec. 2. That this Act take effect and be in force from and after its passage.

Approved October 27, 1866.

CHAPTER CXVI.

An Act to extend for twenty years the provisions of an Act to incorporate Protection Fire Company No 1, in the City of Houston, approved January 20th, 1848.

Section 1. Be it enacted by the Legislature of the State of Texas, That the provisions of an Act entitled “An act to incorporate Protection Fire Company No. 1,” in the city of Houston, be, and is hereby extended for the period of twenty years from date of the approval of this act.

Approved October 27, 1866.

CHAPTER CXVII.

An Act amendatory of an Act entitled “An Act to incorporate the City of Lavaca,” approved September 1st, 1856.

Section 1. Be it enacted by the Legislature of the State of Texas, That the 9th section of an Act to incorporate the city of

Lavaca, approved on the 1st day of September, 1856, be, and the same is hereby amended so as to be read and understood as follows, to-wit:

"The Mayor and Aldermen shall have power, by ordinance, to levy and collect taxes upon all real and personal property within the city liable to taxation under the general revenue laws of the State, not to exceed three-fourths of one per cent. upon the assessed value thereof; and all taxes shall be equal and uniform on all the property in said city liable to taxation; and the money arising from said tax shall be expended in said city, or in the improvement of the harbor in front thereof; also, to require each male inhabitant over the age of eighteen years, and under forty-five, to work upon the streets of said city any number of days in each year not exceeding five, and in default of so working when required to by the overseer of the streets, to pay a fine of one dollar and fifty cents per day for each day he shall fail or refuse to work; and the parents or guardians of all minors, their masters (if apprentice) or employers, when said minors shall fail to work, shall be liable to pay said fine when assessed against them; and all fines so assessed shall be recoverable by action in the name of the Mayor and Aldermen of the city of Lavaca, before any Justice of the Peace in said city; that they shall have power to appoint an overseer of the streets, and prescribe his duties; to make regulations to prevent the introduction of contagious diseases; to make quarantine laws for that purpose, and enforce the same within five miles of the city; to make regulations to secure the general health of the inhabitants; to establish a hospital; to prevent and remove nuisances; to establish night watches and patrols—the patrols so appointed shall consist of six persons, at least one-half of whom shall be freeholders or householders, and shall be appointed for three months, and shall be governed by the general laws regulating patrols; to provide for licensing commission and other merchants, taxing and regulating auctions, and retailers of wines and spirituous liquors, restaurants, taverns, hotels and boarding houses, billiard tables, hackney coaches, cabs, wagons, carts, drays, money changers, hawkers and peddlers, theatrical and other shows and amusements; to regulate tippling houses, gambling houses, and other disorderly houses; to establish and regulate markets; to keep in repair the streets, avenues, lanes, alleys, drains and sewers, and keep the same clean, but they shall have no power to open new streets or alleys, or change in any way the streets as now known, used and recognized, without paying to the parties injured thereby full compensation, before the change or opening of the same;

and the subdivisions of said city, originally Port Lavaca, into lots, streets and squares, as made by the proprietors, John M. Smith and others, as now recognized and established, is established as the plan and subdivision of said city into lots, squares and streets; and, also, the subdivision of a tract of land within the boundaries of said city, known as Georgetown, into streets, lots and squares, as surveyed by Edward Linn for Wiley George, is hereby recognized and established as the subdivision of Georgetown, into streets, lots and squares; to provide for the safe keeping of weights and measures for the regulation of weights and measures to be used in said city; to provide for the prevention and extinguishment of fires; to regulate the storage of gun-powder, and other combustible materials; to provide for the election of officers other than those herein provided for, and to fix the compensation of all city officers, and, from time to time, to pass such ordinances to carry into effect the objects of this Act, and the powers herein granted, as the good of the inhabitants may require, and to impose and appropriate fines and forfeitures for the breach of any of the ordinances; and it is hereby specially made the duty of the Mayor to see that all the ordinances passed under and in pursuance of the provisions of this Act shall be strictly enforced; and it is hereby made the duty of the Justice of the Peace in said city, for the county of Calhoun, to hear and determine all complaints growing out of the violation of any of the ordinances of said city, and to inflict such fines and penalties as shall be imposed by said ordinances, and which do not conflict with the Constitution of this State or of the United States; said prosecutions shall be conducted in the name of the Mayor and Aldermen of the city of Lavaca, and the proceedings shall be conducted as in other cases in said Courts; that the city shall have power to subscribe for or purchase stock in the Lavaca Navigation Company, and in any other joint stock company which may be formed for the purpose of making of public improvements or increasing the commercial facilities within the limits of said city, or in the harbor in front of the same, but she shall, in no case, subscribe for or purchase stock in any such companies until the means are first provided for the prompt payment of the same; and the said Mayor and Aldermen are hereby authorized to levy a special tax, not to exceed one-fourth of one per cent. on all property in said city herein before declared liable to taxation—said tax to be assessed and collected as provided for the assessment and collection of the general tax, and the monies arising from said tax shall be applied to the payment of such stock so purchased or subscribed

for said city, and to no other purpose; and it is further provided, that the Mayor and Aldermen shall not have authority to sell the bonds of said city for any other purpose than the raising of money for improvements within said city and the harbor in front of said city, and that said bonds shall not be issued until provision is made for their redemption, and they shall not be sold at a discount greater than twenty-five per cent. below par, nor bear a higher rate of interest than eight per cent. per annum."

Sec. 2. That this Act be in force and have effect from and after its passage.

Approved October 27, 1866.

CHAPTER CXVIII.

An Act to incorporate the Sister Grove Male and Female High School.

Section 1. Be it enacted by the Legislature of the State of Texas, That an Institution of Learning is hereby established in the county of Fannin, and shall be called the Sister Grove Male and Female High School, and shall be under the control of the Baptist Association.

Sec. 2. That R. T. Gardner, O. P. Richardson, W. W. Chaney &c., be, and they are hereby constituted Trustees of said Institute, with the power to appoint six other Trustees, and shall hold their offices for the term of twelve months from the passage of this Act; their successors to be elected as their by-laws shall prescribe, five of whom shall be a quorum to transact business.

Sec. 3. The Trustees aforesaid and their successors in office, shall be a body politic and corporate, in deed and in law, by the name of the Trustees of Sister Grove Male and Female High School, and by that name they and their successors may and shall have succession, and be able and capable in law to have, receive and enjoy to them and their successors, lands, tenements and hereditaments of any kind in fee or for years, and personal property of any kind whatever, and also, all sums of money which may be given, granted or bequeathed to them, for the purposes of promoting the interests of said High School, provided the amount of property owned by said Corporation shall not at any time exceed one hundred thousand dollars.

Sec. 4. There shall be a stated meeting of the Board of

Trustees at the end of each collegiate year, and the President of said High School have full power to call an occasional meeting of the Board of Trustees, or a quorum of the same, whenever he shall deem it necessary.

Sec. 5. The Trustees of said High School shall and may have a common seal for the business of themselves and their successors, with liberty to change and alter the same as they think proper, and by their aforesaid name they and their successors shall and may be able to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all Courts of law and equity in this State, and to grant, bargain and sell or assign any lands, tenements, goods or chattels now belonging to said High School, or that may hereafter belong to the same, to construct all necessary buildings for said Institution, to have the management of the finances, the privileges of appointing all necessary Committees, and to act and do all things whatsoever for the benefit of said Institution, in as simple a manner as any person or body politic or corporate can or may do by law.

Sec. 6. The Trustees shall have the power of framing and enacting all such ordinances and by-laws as shall appear to them necessary for the government of said High School, and of their own proceedings; provided, the same shall not be repugnant to the Constitution and laws of the State of Texas.

Sec. 7. The Trustees shall be empowered to appoint a President and the Professors, and they shall be styled the Faculty of the Sister Grove Male and Female High School, which Faculty shall have the power of prescribing the course of studies to be pursued by the students, of enforcing the ordinances and by-laws adopted by the Board of Trustees for the government of the students, by rewarding or censuring them, and finally by suspending such of them as, after repeated admonitions shall continue disobedient and refractory, until a determination of the quorum of the Board of Trustees can be had, in whom alone the power of expulsion shall exist.

Sec. 8. The Trustees shall have full power with the President and Professors of the said High School, to give Diplomas or certificates signed by them, and sealed with the common seal of the Institution, to authenticate and perpetuate the memory of such graduation.

Sec. 9. When any vacancy shall occur in the Board of Trustees, either by death, resignation or otherwise, such vacancy shall be filled by the Sister Grove Baptist Association.

Sec. 10. The Sister Grove Baptist Association shall have

the power of fixing the salary of all the officers connected with said Institution, and of removing any of them for neglect or misconduct in office.

Sec. 11. The Board of Trustees shall at the close of each year, make a full report of their proceedings and the condition of the Institute, to the said Sister Grove Baptist Association, and the said Association shall have and exercise general supervision and control over the said Board of Trustees.

Sec. 12. That this Act take effect and be in force from and after its passage, and continue in force for fifty years.

Approved October 27, 1866.

CHAPTER CXIX.

An Act to incorporate the Texas Iron and Marble Manufacturing Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That Nat M. Burford, of Dallas county, N. G. Shelley, Elias McLaughlin, Wesley W. McLaughlin and Edward Higby, of Travis county, their associates and successors be, and they are hereby created a body corporate and politic, under the name and style of the Texas Iron and Marble Manufacturing Company, with capacity to purchase, own and hold property, real personal and mixed, and to sell, dispose of and convey the same, and in their corporate name to sue and be sued, plead and be impleaded, defend and be defended, to grant and receive, and generally to do and perform all such acts and things as may be necessary and proper to carry out the objects of this Corporation, or for the maintenance of their rights under the provisions of this Act, not inconsistent with the Constitution and laws of this State.

Sec. 2. Said Company shall have the right to erect, own, maintain and operate manufactories of Marble and Iron and Steel of every description whatever, and all other articles of which iron and steel may form a part, at such place or places as said Company may select, at or near the Falls of the Colorado river, in Burnett county, known as the Marble Falls, and for the purpose aforesaid, shall have the right to erect and maintain a dam across the Colorado river, at the said Falls, of sufficient height to furnish the water necessary to operate the manufactories herein mentioned.

Sec. 3. The capital stock of said Company shall be divided

into shares of one hundred dollars each, and the owners of said shares shall constitute said Company, and said capital stock shall not exceed one million dollars, and each share of stock shall entitle the owner thereof to one vote at all meetings of the stockholders and in the election of officers, and each shareholder may vote by proxy, under such regulations as may be prescribed by the by-laws of the Company. The property real, personal and mixed, of said Corporation, shall be taken and considered as a part of the capital stock thereof.

Sec. 4. The persons named in the first section of this Act are hereby constituted a Board of Directors of said Company, and shall continue in office until a Board of Directors shall be elected in pursuance of the provisions of this Act.

Sec. 5. The business of said Company shall be conducted by a Board of Directors, to consist of not less than three nor more than five persons, and a majority of the Directors shall be competent to transact business in behalf of the Corporation; no person shall be eligible to the office of Director unless he is the owner of at least five shares of the capital stock of said Company, and the Directors shall choose one of their number to be President of the Board, and may fill any vacancies that may happen in their number. They may appoint a Secretary and Treasurer, and such agents and officers from time to time, as they may deem necessary to carry out the objects of the Corporation, and may require of them bond with security for the faithful discharge of their respective duties.

Sec. 6. The said Company may make such by-laws, rules and regulations as they may deem necessary and proper for the management of their affairs, not inconsistent with the Constitution of this State, and may therein prescribe the number of Directors to be chosen by the Company, the time, place and manner of holding elections and stated meetings of the stockholders, the time and place for the payment of installments or assessments upon the capital stock, and the amount to be paid at each instalment, may determine the amount of capital stock, and may increase the same from time to time, but not to exceed one million dollars. They may prescribe the conditions upon which shares of stock shall be forfeited for non-payment, and what disposition shall be made of them when forfeited; fix the time and place and prescribe the manner of opening books of subscription to the capital stock, and the amount thereof to be paid at the time of subscribing, may determine the specific duties of each officer by them appointed, and make such other rules and regu-

lations as to them may seem proper, and may alter, repeal or change such by-laws, rules and regulations at pleasure.

Sec. 7. Each and every transfer of stock in said Company shall be made in writing, and a duplicate or attested copy thereof shall be filed with the Secretary of the Company, and the transfer entered on the stock book of the Company, and the person holding any such transfer shall not be recognized as a stockholder, or be entitled to vote at any meeting of the Company, by reason of such transfer, until such copy is filed as aforesaid.

Sec. 8. This Act shall take effect and be in force from and after its passage, and remain in force thirty years.

Approved October 27, 1866.

CHAPTER CXX.

An Act supplementary to and amendatory of an Act to incorporate the Jefferson Manufacturing Company, passed the present session.

Section 1. Be it enacted by the Legislature of the State of Texas, That the second section of the above recited Act shall hereafter read as follows:

Sec. 2. Said Company is hereby invested with the right, power and authority to erect, own, establish, maintain and operate a Manufactory, at or near the city of Jefferson, in Marion county, for the manufacture of any and all articles of wood, hides or leather, iron or other minerals, cotton, wool, to establish flouring mills and run the same, with a capital stock of one million dollars, which may be invested in the purchase of land, buildings, mills, looms, spindles and such other machinery and fixtures as are proper and necessary for the business aforesaid, with the right to erect such buildings and establish and operate such mills and shops as they may deem proper, and to invest so much of said capital stock in all articles of wood, hides or leather, iron or other minerals, cotton, wool and other articles, as to them may seem expedient for the purposes herein set forth.

Approved October 27, 1866.

CHAPTER CXXI.

An Act for the relief of the heirs of Ross M. Bridges, deceased.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby requested to issue to the heirs of Ross M. Bridges, deceased, a certificate for one league and labor of land; it being the quantity to which the said Ross M. Bridges was entitled by virtue of his emigration into the late Republic, in eighteen hundred and thirty-five; provided, said Ross M. Bridges, his heirs or assigns, have not already received the benefits of said certificate or land.

Sec. 2. That this Act take effect and be in force from and after its passage.

Approved October 29, 1866.

CHAPTER CXXII.

An Act for the relief of Lucien Hopson.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required, to issue to Lucian Hopson a donation warrant of six hundred and forty acres of land, in consideration of his having participated in the battle of San Jacinto; Provided, said Hopson has never received said donation. Said certificate to be located, surveyed and patented, as other certificates of like character.

Sec. 2. That this Act take effect and be in force from and after its passage.

Approved October 29, 1866.

CHAPTER CXXIII.

An Act for the relief of the heirs of John Fitzgibbons and others.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office of the

State of Texas, be, and he is hereby authorized and required to issue to the heirs of John Fitzgibbons, a certificate for one labor of land. Also, to the heirs of Christian Smith, for one labor of land. Also, to the heirs of George W. Singleton, for one labor of land; and also the heirs of Christian Smith, for one labor of land.

Sec. 2. That this Act be in force and take effect from and after its passage.

Approved October 29, 1866.

CHAPTER CXXIV.

An Act to incorporate the Mount Pleasant Male and Female Institute.

Section 1. Be it enacted by the Legislature of the State of Texas, That Alfred Lewellen, L. M. Jones, J. Evans, E. M. Broadus, John Henderson, Wm. H. Christian, Henry W. Jones, Samuel Boynten, Simon Whitley, Wm. Stephenson, Joseph Curline, John King and their associates and successors, are hereby created and declared to be a body corporate and politic, by the name and style of the Trustees of the Mount Pleasant Male and Female Institute, and that by said name and style they shall have succession, sue and be sued, plead and be impleaded, in all courts whatsoever, in like manner, and as fully as natural persons, and by the corporate name and style, shall be capable in law of contracting and being contracted with, and shall have power of acquiring by purchase, donation, or otherwise, property both real and personal, so long as they confine their operations to education by means of said Institute, which shall be located at Mount Pleasant, in Titus county, Texas.

Sec. 2. The said body corporate and politic, in order to procure funds necessary for the purchase of grounds and the erection of suitable buildings, may divide its capital stock into five hundred shares, valued at twenty-five dollars per share, and the same shall be paid in the following manner, viz: five dollars on each share at the time of subscription, and the balance at such times as the trustees may direct. The shares shall be deemed and held as personal property, and if any shareholder shall neglect and refuse to make the payments as directed by the trustees, he shall be liable for the balance due by him as shareholder of the body corporate, as the same becomes due,

and may be sued for the same in any court having jurisdiction thereof.

Sec. 3. The said trustees and their successors shall have full power to make such rules and regulations, and by-laws, as they may deem necessary for the government and management of the Institute, and may adopt such course of study as they may deem best for the pupils, and may employ Professors, Teachers and employees, and discharge the same.

Sec. 4. There shall be regular meetings of the shareholders, at the annual commencement of the Academic year, to be fixed by the trustees, and any number of shareholders representing one half of the shares, shall be a quorum to do business, and in all elections each shareholder shall have the right to vote in person or by proxy, one vote for each share he owns. The shareholders shall have power, by election, to fill all vacancies that occur in the board of trustees, or by a majority vote, may remove a trustee, and at the annual meeting shall elect a secretary and treasurer, who shall hold office one year, and until their successors shall be elected and qualified. The trustees may elect a president from their own number, and remove him whenever deemed necessary. The president shall preside at all meetings of the trustees, a majority of whom shall constitute a quorum to transact business, and they shall have power to confer such degrees as are usually conferred by institutions of similar grade, upon graduates of the Institute.

Sec. 5. The Institute shall be open to pupils of all religious denominations whatsoever, and shall never become sectarian in its character, nor shall the peculiar doctrines of any religious denomination be brought therein.

Sec. 6. Within sixty days from the passage of this Act, the trustees may open books of subscription, and when one-fifth the capital stock shall be subscribed, may regularly organize for the transaction of business.

Sec. 7. That this Act shall take effect from and after its passage, and remain in full force for the term of twenty-five years, unless sooner modified or repealed.

Approved October 30, 1866.

CHAPTER CXXV.

An Act to incorporate Shooks' Bluff Bridge, or Ferry Turnpike Company.

Section 1. Be it enacted by the Legislature of the State of

Texas, That Jefferson Shook, and such other persons as he may associate with himself, are hereby incorporated under the name and style of Shook's Bluff Bridge, or Ferry Turnpike Company. That said Shook, his associates and successors shall constitute a body corporate and politic, for the period of twenty-five years. That under that name, the said Shook, his associates and successors, shall have power to contract for, buy, receive, hold and possess all kinds of property that may be necessary for the purposes for which said corporation is created, to sue and be sued, to bind him, or themselves, without using a seal, and make any by-laws, rules or regulations that may be necessary for the welfare of said corporation; Provided, the same do not conflict with the provisions of this Act, nor with the Constitution and laws of this State.

Sec. 2. That the entire interest of said Shook, or any member of said corporation, may be sold, transferred, or assigned, in the same manner that real estate is now by law sold and transferred.

Sec. 3. That said company shall have the right to construct a good substantial bridge across, or keep a ferry-boat in the Neches river, at or near the place known as Shooks' Bluff, in Cherokee county; said company shall also have the right to keep a ferry-boat in, or construct a good and substantial bridge across the Angelina river, at such place in the direction of the town of Nacogdoches from said Shooks' Bluff, as said company shall select; said company shall also have the right of way, from the west bank of the Neches river, at the point heretofore designated, in an easterly direction, to the east bank of the Angelina river, at the point on said river as may be selected by said company, and the privilege of opening a road, at least fifty feet wide, across the flats and hills between said rivers, and to construct such bridges over the creeks and sloughs, as may be necessary to make said road passable at all times by the travelling community. Said company shall also have the right to use such timber as shall be requisite to construct said bridges, and keep the same in good repair during the existence of this charter.

Sec. 4. That it shall be the duty of said company to open said road, and construct said bridges, or put in said ferry boats within four years from the passage of this act, else forfeit the privileges herein granted. It shall also be the duty of said company, at all times, to keep said road, bridges or ferries in good repair, so that no detention or unnecessary delay shall take place; and said company shall be responsible for all damages growing out of neglect, or carelessness, in failing to comply with

the provisions of this section, to be recovered in any court of competent jurisdiction.

Sec. 5. Upon application of said company to the County Court of Cherokee County, it shall be the duty of said County Court to appoint two commissioners, citizens of said County, whose duty it shall be to examine and approve said road and bridges, or ferries, and report the same, whenever completed and in good order, to said County Court, at a regular session thereof. Whenever the said road and bridges, or ferries, shall have been examined and reported in good order by said commissioners, said company shall be entitled to demand and enforce the collection of toll, or ferriage, at the rates specified in 7th section of this Act.

Sec. 6. It shall also be the duty of said County Court to appoint two commissioners annually, whose duty it shall be to inspect and report, at the first term of the court after their appointment, the condition of said road and bridges, or ferries; and if, upon such inspection and report, it shall appear that said road and bridges, or ferries, are not in good order and condition, said company shall be debarred from the collection of all tolls and ferriages, until the same are put in good order, and a report thereof made to said County Court.

Sec. 7. Whenever said company shall have complied with the foregoing provisions of this Act, by opening said road, and placing in said ferry-boats, or constructing said bridges, they shall be entitled to demand and enforce the collection of toll or ferriage, at the following rates, to-wit: For crossing the Neches river—for footman, 5 cents; for man and horse, 10 cents; for loose horses or mules, 5 cents per head; for cattle, 3 cents per head; for hogs, sheep or goats, 2 cents per head; for one-horse buggy, or vehicle, 30 cents; wagon or carriage and two horses, or oxen, 50 cents; wagon and four horses, or oxen, 75 cents; wagon and six horses, or oxen, \$1; and 5 cents a head or each additional horse or ox, in team. The toll or ferriage at the said bridge, or ferry across the Angelina river, shall be the same as above allowed for crossing the Neches river.

Sec. 8. That said company may be protected in the privileges granted by this Act, and thereby enabled to complete said improvements, they are hereby granted the exclusive right of constructing bridges, or keeping ferries, and charging toll therefor, at the points designated—that is, at or near Shooks' Bluff, on the Neches river, and at such point on the Angelina river as said company may select; and if any person, or persons do, during the continuance of this Act, construct a bridge, or keep a

ferry, and charge tolls therefor, within four miles of either of said points, other than the said company, he or they so infringing upon the privileges granted by this Act, shall be liable to said company for such damages as any court of competent jurisdiction may adjudge. Provided, that nothing in this Act shall be so construed as to permit said company to obstruct the free navigation of said rivers.

Sec. 9. That said company shall not be compelled to pay but one license tax annually, for each of said bridges or ferries, and that to the County Court of Cherokee County.

Sec. 10. That this Act take effect from and after its passage.

Approved October 30, 1866.

CHAPTER CXXVI.

An Act to create a body corporate and politic by the name of the
"Galveston Chamber of Commerce."

Whereas, A large number of the merchants of the city of Galveston have petitioned that a charter be granted them, creating a Chamber of Commerce, and have set forth that such an institution is much required by the mercantile community, as tending to diminish litigation and to establish uniform and equitable charges; and considering that the establishment of a Chamber of Commerce may tend to the general advantage of the citizens of the State, as well as to the furtherance of the commercial interests; therefore,

Section 1. Be it enacted by the Legislature of the State of Texas, That George Ball, John Sealey, John W. Hutchins, T. H. McMahan, J. Kauffman, John Sellers, Wm. Brady, J. M. Swisher, Cyrus Thompson, J. C. Massie, R. & D. G. Mills, Boulds Baker, Thomas P. Matthews, James Sorley, J. W. Shipman, A. J. Ward, Alfred Muckle, George W. Baylor, Morgan McMorris, J. C. & S. R. Smith, Alexander B. Thompson, J. S. & J. B. Sydnor, E. B. Nichols, John Dean, John Shackelford, W. H. Nichols, R. J. Hughes, William Hendley, J. L. & A. C. McKeen, E. O. Lynch, T. Mather, T. D. Wilson, C. H. Jordan, Theodore Wagner, their associates and successors, be, and they are hereby declared to be a body corporate and politic, by the name of the Galveston Chamber of Commerce.

Sec. 2. That the said Chamber of Commerce shall have all

the power, privileges and immunities properly belonging to such bodies, to enable them to carry into effect the foregoing provisions, with authority to make and adopt all rules and regulations and by-laws for their guidance as they may deem proper.

Sec. 4. That this Act of incorporation shall be in force for twenty-five years from and after its passage.

Approved October 30, 1866.

CHAPTER CXXVII.

An Act to incorporate the "Brazos Internal Improvement and Navigation Company."

Section 1. Be it enacted by the Legislature of the State of Texas, That the following named parties, John Duncan, I. N. Dennis, Capt. John Rugely, John Adrian, John W. Brooks, D. H. Amer, John H. Herndon, S. Cassey, Joel T. Bryant, and all who may become owners of stock in this company, by purchase or subscription, their successors and assigns, be, and they are hereby constituted a body corporate and politic, by the name and style of the "Brazos Internal Improvement and Navigation Company," and by that name and style they and their successors, in law, shall be capable of suing and being sued, and of doing all things legal for its own promotion and defence, and to adopt such laws for the regulation of its own affairs as are in accordance with this Act and the laws of the State.

Sec. 2. That the object and business of said corporation shall be to promote, by every legal means, the improvement of the Brazos river for navigation, by deepening the bar at its mouth, building a breakwater, dredging out shallow places wherever it may be necessary, and doing all things pertaining to this improvement, which may not violate any existing laws of the State.

Sec. 3. That said corporation is hereby authorized and empowered to hold, possess and acquire, and the same to sell and convey, all such real and personal estate as shall be necessary for the convenient transaction of business, or which may become due and owing, or in satisfaction of any judgment or decree rendered in favor of said company: Provided, the property owned by said company shall not exceed in value one million of dollars; and may have and use a common seal, and the same alter or change at pleasure, and may make all such other regulations and

by-laws as shall be necessary and proper for the proper regulation, management, prosecution and preservation of the property and business of said company, and which is not in conflict with the laws and the Constitution of the State.

Sec. 4. The said company shall have the right to demand and receive a compensation from all persons or companies owning and running vessels, who may be benefitted by the works of this company; Provided, the amount of compensation demanded shall not exceed twenty-cents per ton for the freight transported by any sailing or steam vessel, or ten cents per cubic foot for every vessel without freight, which may be so benefitted—the manifest and register of the said vessel being evidence of its cargo or capacity.

Sec. 5. That it shall not be lawful for said company to discount bills or notes, or to loan money on interest, or do anything which may pertain to a banking institution; but, through the agency of its President and its Board of Directors, it shall have the power to borrow any amount of money to carry into complete effect the objects of this corporation.

Sec. 6. That the capital stock of this company shall be one million of dollars, divided into shares of one hundred dollars each.

Sec. 7. That it shall be lawful for said company to take possession of and use any vacant lands lying contiguous to their works; Provided, that owners of said lands shall receive a fair remuneration for such lands or damage done to the same—the amount of damage to be determined by three commissioners, one to be chosen by the company, one by the owner of the land in question, and the third by the two already selected, and that their decree shall have the force and effect of law; Provided, that either party aggrieved by the award of the arbitrators shall have the right of appeal to any Court of competent jurisdiction.

Sec. 8. That the management of the affairs of said company shall be by a board of twelve directors, each of whom shall own not less than ten shares of the stock of said company, a majority of whom shall constitute a quorum for the transaction of business. They shall appoint one of their number President, and shall fill such vacancies as may occur in their board from death, resignation or otherwise, and they shall hold their offices for one year, and until others are elected in their stead.

Sec. 9. That the President and directors shall have the privilege, yearly, of fixing such rates for the use of the works constructed for the pay of officers and laborers as in their judgment may seem best; Provided, that the rates heretofore specified

shall be the maximum, and can not be altered except by special act of the Legislature. They shall also make all necessary rules, regulations and by-laws for the government of the company not inconsistent with this Act, and such general rules and directions as may be adopted by the stockholders at any regular meeting.

Sec. 10. That books for the subscription of stock shall be opened at Columbia, on the tenth day of January, 1867, under the superintendence of Jno. Duncan, Jno. Dennis, Capt. Jno. Rugely and D. H. Amer, or any of them, acting as commissioners, and shall remain open until the entire amount of stock is subscribed for; and ten per cent. in cash shall be paid said commissioners on every share of stock so subscribed for at the time of subscribing; that, as soon as one hundred shares of stock are subscribed for, and the said ten per cent. paid on each share, the said commissioners shall call a meeting of the stockholders, and the company shall be organized by the election of directors; as soon as the directors are elected, said commissioners shall hand over to them the subscription books and all such monies as shall have been paid them in payment of stock. Each stockholder shall be entitled to one vote for every share of stock owned by him, and may vote either in person or by proxy.

Sec. 11. That said board of directors may, at any time, call upon the stockholders for the payment of any additional instalments upon said stock that may be required by the wants of the company. In case any instalment so ordered shall remain unpaid for the space of thirty days beyond the time fixed by the directors for payment thereon, the owner or owners shall forfeit the same to the company, together with all previous payments made thereon, and the books of the company shall be opened for the subscription of any amount sufficient to make up the deficiency.

Sec. 12. That the directors shall make, declare and pay to the stockholders such dividends as may result from the profits of the business of the company, at such time and in such manner as they may be directed by the stockholders at any regular meeting thereof; Provided, that no such dividends shall impair, or in any way lessen the capital stock of the company, or any part thereof, as shall have been paid in at the time of making such dividends.

Sec. 13. That said company shall keep a regular set of books, upon which shall be entered and kept all the receipts and disbursements by and from said company, which books shall be

opened to the inspection of any stockholder; and that this Act take effect from and after its passage.

Passed October 30, 1866.

CHAPTER CXXVIII.

An Act to amend an Act to incorporate the Brazos Branch Railroad Company, approved February 10th, 1854, and supplementary to and amendatory of an Act to incorporate the Brazos Branch Railroad Company, approved September 1st, 1856.

Section 1. Be it enacted by the Legislature of the State of Texas, That the second section of the first above recited Act, be, and the same is hereby so amended as hereafter to read as follows, to wit:

"Sec. 2. That I. M. Camp be associated with and constituted one of the corporators in the above recited Act. That said company is hereby invested with the right to locate, construct, own and maintain a railroad, commencing on or near the bank of the Brazos river, near the town of Washington, in Washington county, and run on the most eligible and accessible route, so as to cross the Texas Central Railroad at or near the City of Navasota, thence eastward on the most practicable route so as to intersect the Houston and Great Northern Railroad in Walker or Montgomery counties, with the privilege of extending to the Sabine and Colorado rivers. Said company is authorized to extend said road in a direction south of west from the point of beginning on the Brazos river, so as to connect with the railroad running from Brenham to Austin."

Sec. 2. That if the entire road is not built within five years, this charter is to be null and void; Provided, said road shall be built in conformity with the general railroad law, and be entitled to all the benefits conferred by the same.

Sec. 3. That this Act take effect and be in force from and after its passage.

Approved October 30, 1866.

CHAPTER CXXIX.

An Act to authorize Willis Steadman to practice Law in the several Courts of this State.

Section 1. Be it enacted by the Legislature of the State of Texas, That Willis Steadman be, and he is hereby admitted to practice law in all the Courts of this State; Provided, that the said Willis Steadman, after undergoing an examination as required by law, be deemed qualified for admission; and provided further, that he shall not, by reason of his minority, be exempt from liability upon his personal engagements.

Sec. 2. That this Act take effect and be in force from and after its passage.

Approved October 30, 1866.

CHAPTER CXXX.

An Act to incorporate the Caddo Lake Manufacturing Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That M. D. K. Taylor, W. Rogers, A. U. Wright, Sam F. Mosely, M. J. Hall, W. T. Scott and G. G. Gregg, and such persons as they may associate with them, are hereby created and established a body corporate and politic, under the name and style of the "Caddo Lake Manufacturing Company," with capacity, in said corporate name, to make contracts, to have succession and a common seal, to make by-laws for the government and regulation of its affairs, to sue and be sued, to plead and be impleaded, to grant and receive, and do and perform all such acts and things as may be necessary or proper for or incident to the fulfillment of its obligations, or the maintenance of its rights, under this Act, and consistent with the Constitution and laws of this State.

Sec. 2. Said company is hereby invested with the rights, power and authority to purchase and own lands and improvements, machinery and other property to be used by said company in the manufacturing of any and all articles of wood, cotton or wool, hides or leather, iron or other minerals, to erect, establish, maintain, operate and use said machinery and property in the manufacture of all articles made of wood, cotton, wool, hides, leather, iron and other minerals, separately or conjointly, as said

company may deem fit and proper, to be located in the county of Marion, in the State of Texas, as said company may choose and select, with a capital stock of one million dollars, to be invested and used in the purchase of lands, machinery, buildings, labor, materials and other property for the manufacture of any and all articles made from wood, cotton, wool, hides, leather, iron and other minerals, together with the rights to erect, establish, maintain, use, and put into operation, all such lands, materials, mills, machinery, shops and buildings, and property, and whatever may be necessary for the successful working and operating the same.

Sec. 3. That the parties named in this act, or any three of them are hereby appointed commissioners, and invested, with the right of forming and organizing said company, and generally exercising the powers of directors, until directors are chosen by the stockholders, or those who may subscribe to the stock of said company when the powers of said commissioners shall cease.

Sec. 4. That when fifty thousand dollars of said capital stock have been subscribed, upon the books of said company, and one-fifth thereon paid in, the commissioners shall proceed to organize said company, calling the stockholders together for that purpose; that the capital of said company, consisting of all its property, personal and real, franchises and rights to property, shall be divided into shares of one hundred dollars each, each share entitling the owner thereof, at all meetings of the stockholders of said company, to one vote to be given by himself in person, or by his proxy; that said shares shall be deemed personal property, and shall be transferable by any conveyance, in writing, recorded by the Secretary of said company, in books kept by him at his office, or in such manner as the by-laws of said company shall provide.

Sec. 5. The government of the affairs of said company shall be vested in a Board of Directors, to consist of not less than five or more than nine persons, who shall elect one of their number President of said company; no person shall be eligible to the office of Director unless he is an owner of five or more shares of the stock of said company. The Directors shall be elected for one year, and shall have power to fill any vacancy that may occur in the Board, from non-election, death or otherwise, and may appoint a Secretary, Treasurer, Superintendent or Superintendents, and such other officers and agents as they may think necessary, and prescribe and require bonds from such appointees for the faithful performance and discharge of their duties; shall have the right to pass and adopt all needful by-laws and regulations

that may be necessary, in the proper conduct of their business, and shall keep, or cause to be kept, accurate records of the proceedings of all meetings of the Board of Directors, and of all meetings of the stockholders of said company, together with such other books as may be necessary to show, at all times, the amount of stock, expenditures, receipts and disbursements of said company, which shall always be open to inspection by any stockholder of said company.

Sec. 6. The Board of Directors shall be convened by the President, who shall preside over all meetings of the Board, and in case of the absence, neglect or refusal of the President to convene the Board, a President pro tem. may be appointed by a majority of the Directors to preside over their meetings. The Board of Directors shall have power to appoint an Executive Committee, composed of two other Directors besides the President, which committee shall be invested with all the powers of the Board of Directors, and do and perform all the general business of the company between the meetings of said Board of Directors, all their acts and proceedings to be subject to ratification by a majority of said Board; said Executive Committee to remain in office one year from the date of their election. All conveyances, contracts, sales, exchanges and purchases of the capital stock and property of said company, together with other business operations of the company pertaining to said capital stock, shall be signed by the President, countersigned by the Secretary or Treasurer, as the company may require, under the seal of the company, with the approval of the Board of Directors, or of the Executive Committee. The sale of the products and fabrics made by said company and the purchase of material are exempt from the provisions of this clause.

Sec. 7. The books of said company shall be opened publicly for subscription to the stock of said company, upon such terms as the Commissioners shall determine; any agreement in writing, by which any person or persons shall become subscribers to the stock of said company, may be enforced, according to its terms, and if any subscriber shall fail to pay any instalment called for, or amount due upon his or her share or shares, so subscribed, and called for by the Directors or Executive Committee, within ten days from the date of said instalment is required to be paid, of which twenty days notice shall be given by public advertisement, then the Directors or Executive Committee may sell, at auction, and transfer to the purchaser, the share or shares of such delinquent, and if the proceeds of sale should not be sufficient to pay the amount due on said subscription, with interest, and charges

for selling, such delinquent shall be held responsible and liable for the remainder due the company, and if the proceeds of such sale shall exceed the amount so due the company, with interest and charges deducted, said delinquent shall be entitled to the surplus.

Sec. 8. Said company may acquire and hold personal and real estate by donation or by purchase, which may form a part of the capital stock of said company, or be used to aid said company in the construction or prosecution of the business of said company under the provisions of this charter.

Sec. 9. The rights, powers, privileges and immunities hereby granted and conferred under this act of incorporation, shall be and remain in force for twenty-five years from the passage of the same, and the President of said company shall make an annual exhibit of the business operations of the company to the Comptroller of the State.

Sec. 10. Each subscriber, who may invest capital in the stock of said company, and each holder of stock, shall, at all times, receive, when declared, the dividend, if any, upon said stock; but should the directors or company deem it the best interest of the company to invest the profits or dividends in extending their manufacturing operations, instead of distributing them among the stockholders, and a majority thereof so declare, their action shall be binding on the minority, and no stockholder shall institute any legal proceedings against said company to adjust his rights therein, or in anywise to impede the operations of the company, unless he be permitted by a majority of the stockholders, but each stockholder is permitted to dispose of his interest in the market, and one so disposing of his or her interest, shall thereafter be exonerated from any loss said company may sustain, and be debarred from any future profits said stock may realize, and the purchaser of said stock sold, shall stand in the place of the original holder of the stock; enjoy and have all the rights and privileges, and subject to the same liabilities and duties as the original stockholder, and it shall always require a majority of the stockholders to agree to a dissolution of the company, and a distribution and sale of its property and effects, before the same can be acted upon.

Sec. 11. Each shareholder in the capital stock of the company is hereby made liable to the company for the amount so subscribed by him or her, and due said company, to be collected as provided for in the seventh section of this Act; provided, that no stock or shareholder shall be responsible or liable for any other debts or contracts, made and entered into by the President

or agent of said company, not within the legitimate and bona fide operations of said company, but shall be liable in proportion to the amount of his or her stock, only for the bona fide debts of the company incurred in the prosecution of the operations, and carrying into effect the true interest and intention of said company, in accordance with the provisions of this Act; and in the event of the failure, dissolution, or loss by said company, the liabilities shall be assessed, adjudged and collected upon each stock or shareholder, pro rata, in proportion to the amount of stock or shares then owned and held by him, and the stock book or books of said company shall be the criterion, from or by which to determine the liability of each stock or shareholder.

Sec. 12. Service of any and all legal process in any suit or proceeding against said company, shall be sufficient, if made upon the President or Secretary of the Board of Directors.

Sec. 13. This Act shall take effect from and after its passage.

Approved November 1, 1866.

CHAPTER CXXXI.

An Act to incorporate the Rock Creek Bridge and Turnpike Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That William E. Weaver, his associates and assigns, are hereby created a body corporate and politic, with the rights and privileges hereinafter set forth.

Sec. 2. That said William E. Weaver, his associates and assigns, shall have the privilege of constructing a bridge across Rock Creek, in Hopkins county, at the crossing three miles east of Sulphur Springs, and on the road leading towards Jefferson, Texas; also, the privilege of constructing bridges over the sloughs across said road: also, the privilege of leveying the bottom of said stream, so as to make the road safe and easy to pass over at all stages of the water.

Sec. 3. That said Weaver, his associates or assigns, shall have six months from the passage of this Act to build and complete the work contemplated by the second section of this Act; and when the work is completed, it shall be the duty of the County Judge, and two or more of the County Commissioners, to examine the work and road, and if found in good condition, and extending from hill to hill, over the whole of the bottom of

said Rock creek, a distance of about four hundred yards, and done in accordance with the provisions of this Act, then they shall certify the facts, under their hands and the seal of the County Court, and deliver the same to the said W. E. Weaker.

Sec. 4. That said Weaver, or assigns, with sureties, shall enter into bond in the sum of two thousand dollars, payable to the County Judge of Hopkins county, conditioned to pay all damages any person or persons may sustain in crossing over said road and bridge by reason of said bridges and road being out of repair, and the said bond may be put in suit by any person who has been damaged as aforesaid—said bond to be approved by the County Judge and recorded in the office of the County Clerk of Hopkins county.

Sec. 5. When all the conditions hereinbefore set forth have been complied with, the said Weaver and his associates or assigns shall have the privilege or erecting a tollgate, and to collect the following tolls: For four horse or ox wagon, fifty cents; for two horse or ox wagon, twenty-five cents; for carriage or buggy, twenty-five cents; for man and horse, ten cents; for loose horses, per head, three cents; for cattle, per head, three cents; for hogs, sheep or goats, two cents; for footmen, five cents; provided, that the said Weaver and his associates shall not have the right to charge citizens of Hopkins county any toll for passing over said bridge.

Sec. 6. That the privileges herein granted shall continue for ten years from the completion of the work herein contemplated.

Sec. 7. That this Act take effect and be in force from and after its passage.

Approved November 1, 1866.

CHAPTER CXXXII.

An Act to incorporate the Officers and Patriarchs of Rural Encampment, Number 19, of the Independent Order of Odd Fellows, of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Officers and Patriarchs of Rural Encampment, Number 19, of the Independent Order of Odd Fellows, of the State of Texas, and their successors and future associates be, and they are hereby created a body politic and corporate, by the name and style of Rural Encampment, Number 19, of the Indepen-

dent Order of Odd Fellows, of the State of Texas, and by that name shall be capable of acquiring, holding, selling and conveying property, real, personal and mixed; provided, the same shall not exceed in value, at any one time, the sum of twenty thousand dollars, and they may establish and manage institutions of learning in the usual manner, and under such rules and regulations as they may think proper to make, not inconsistent with the Constitution and general laws of the State of Texas, or of the United States.

Sec. 2. That said Corporation may, by the name and style aforesaid, sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all suits, actions, demands, pleas or complaints of any character whatsoever.

Sec. 3. That the said Corporation may have a common seal, and change or alter the same at pleasure, may make, repeal or change by-laws for their government, not inconsistent with the law of the land, and shall in general, have and exercise all rights, privileges and immunities by law, incident to, and commonly enjoyed by Corporations of the like kind, for and during the term of twenty years.

Sec. 4. That in any suit or other proceeding against the said Corporation, service, or process, or of notice, or of any other papers, may be made by delivering to any officer of the Corporation, a copy thereof duly certified, and the officer or other person serving the same, shall state in his return, the officer upon whom it was served, naming him.

Sec. 5. That any deed of conveyance, duly signed and executed by the officers of said Corporation, in pursuance of a resolution authorizing the same, shall be deemed valid in law, and shall in law, have the same force and effect as other like deeds of conveyance.

Sec. 6. That this Act shall take effect and be in force from and after its passage.

Approved November 1, 1866.

CHAPTER CXXXIII.

An Act to incorporate the Officers and members of William Tell Lodge No. 27, of the Independent Order of Odd Fellows, of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That the officers and members of William Tell Lodge

No. 27, of the Independent Order of Odd Fellows of the State of Texas, and their successors and future associates be, and they are hereby created a body politic and corporate, by the name and style of William Tell Lodge No. 27, of the Independent Order of Odd Fellows of the State of Texas, and by that name shall be capable of acquiring, holding, selling and conveying property, real, personal or mixed; provided, the same shall not exceed in value, at any one time, the sum of twenty thousand dollars; and they may establish and manage institutions of learning in the usual manner, and under such rules and regulations as they may think proper to make, not inconsistent with the Constitution and general laws of the State of Texas, or of the United States.

Sec. 2. That said Corporation may, by the name and style aforesaid, sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all suits, actions, demands, pleas or complaints of any character whatsoever.

Sec. 3. That the said Corporation may have a common seal, and change or alter the same at pleasure, may make, repeal or change by-laws for their government, not inconsistent with the laws of the land, and shall in general, have and exercise all rights, privileges and immunities by law incident to, and commonly enjoyed by Corporations of like kind, for and during the term of twenty years.

Sec. 4. That in any suit or other proceeding against the said Corporation, service of process, or of notice, or of any other papers, may be made by delivering to any officer of the Corporation, a copy thereof, duly certified, and the officer or other person serving the same, shall state in his return, the officer upon whom it was served, naming him.

Sec. 5. That any deed of conveyance, duly signed and executed by the officers of said Corporation, in pursuance of a resolution authorizing the same, shall be deemed valid in law, and shall in law have the same force and effect as any other like deed of conveyance.

Sec. 6. That this Act shall take effect and be in force from and after its passage.

Approved November 1, 1866.

CHAPTER CXXXIV.

An Act to incorporate the Gymnastic Association of San Antonio.

Section 1. Be it enacted by the Legislature of the State of Texas, That E. Pentenreider, J. Dresel, F. Eigendorf, C. Hilgers, C. Runge, Thomas M. Paschal and A. Dittman, together with their associates be, and they are hereby constituted a body politic and corporate for gymnastic purposes, and for the encouragement of bodily exercise, under the name and style of the Gymnastic Association of San Antonio, and by that name shall have succession, and be capable of suing and being sued, of defending and being defended, in any of the Courts in this State, to acquire and hold estate, real, personal and mixed, to encumber, sell, or otherwise alienate the same as said association may deem expedient; provided, the amount of property held by said Corporation shall at no time exceed fifty thousand dollars.

Sec. 2. That said association shall have power to enact rules and regulations for its government, and to alter the same, not inconsistent with the laws of the State.

Sec. 3. That this Act take effect from and after its passage, and remain in force thirty years.

Approved November 1, 1866.

CHAPTER CXXXV.

An Act to incorporate the Gonzales Manufacturing Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That T. S. Walker, D. S. H. Darst, James D. Anderson, R. A. Atkinson, L. R. Bratton and their associates and successors be, and they are hereby created a body corporate and politic, by the name and style of the Gonzales Manufacturing Company, for the manufacturing of woolen and cotton goods, and other fabrics, spinning of thread, and for general manufacturing purposes, and to do and perform all other things necessary for the successful prosecution of the business and objects of said association, to own and hold real and personal property, to sue and be sued, to plead and be impleaded, and to take all other legal ways and means to carry out the objects of said Company; suits may be instituted against said Company by service being had upon

the President or Secretary of the Company. Said Company shall pass and make such by-laws or they may deem necessary, not contrary to the Constitution and laws of this State or of the United States.

Sec. 2. That said Factory be located on or near the Guadalupe river, within ten miles of the town of Gonzales, the office of said Company shall be in the county of Gonzales, and said Company shall have authority to draw water from the Guadalupe river, by race, or otherwise, not to exceed one-fourth of the water of said river, for the purpose of running the machinery and for irrigating, and the same Company shall have the necessary right of way, not exceeding fifty feet wide, over any land on which it may be necessary to run said race; provided, said Company shall pay the owner or owners the value of said right of way, and such other damages, if any, that may be sustained by said owner or owners, by the location of said race; that in case the said Company and the owner or owners of land cannot agree upon the value of the right of way over the same, and the damages if any, in that case said Company shall file a statement describing the land required, and a statement of facts connected with the offer to purchase the same, with the Judge of the County Court, who shall thereupon appoint three disinterested persons, who shall value said land, and assess said damages, if any, and in case either party is aggrieved at the award of said persons, in that case they can appeal from said award to the County Court at its next term thereafter, whereupon said Court shall order a jury to determine the matter in controversy, as in other cases.

Sec. 3. That the capital stock shall not exceed two hundred thousand dollars, which may be invested in any way best calculated to insure the successful prosecution of the business of the Company. The parties named and appointed by this Act are hereby invested with rights and powers of Directors, until Directors may be chosen or elected by the stockholders of said Company.

Sec. 4. That when the sum of fifty thousand dollars of the capital stock is subscribed on the books of the Company, the Directors shall proceed to organize said Company by calling the stockholders together and dividing the capital stock into shares of one hundred dollars each, each share will entitle the holder to one vote by himself or proxy, any stockholder may transfer his or her stock or shares by a transfer on the books of the Company.

Sec. 5. That no person shall be eligible to the office of Di-

rector who shall not be the holder of at least ten shares of the capital stock; the government of the affairs of said Company shall be vested in a Board of not less than three nor more than five Directors, who shall be chosen annually by the stockholders, the Board of Directors shall elect one of their own number President, and appoint a Secretary and Treasurer, and such other officers as they may deem necessary. The Directors shall have power to fill any vacancy that may occur by death, resignation or otherwise, until the next regular election, which shall be held at the office of the Company, at the expiration of twelve months after the organization of said Company, after giving at least ten days notice in such manner as may be prescribed by the by-laws of the Company, and the Company may require bond with security for the faithful performance of their several duties; the books of the Company shall be open to the inspection of the stockholders at all times.

Sec. 6. That any stockholder failing or refusing to pay in his or her stock, or any instalment thereof, as may be required by the by-laws of said Company, after ninety days notice from the Directors, without good and sufficient cause shown, said stock shall be forfeited to the Company, together with all instalments previously paid. No stockholder shall be liable for any debt or liability of said Company for more than the amount of stock subscribed by him or her.

Sec. 7. That the rights, powers, privileges and immunities hereby granted and conferred under this Act, shall remain in force for twenty-five years, and shall take effect from and after its passage.

Passed November 2, 1866.

CHAPTER CXXXVI.

An Act to incorporate the Mud Creek Bridge and Turnpike Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That Jesse Carter, and such other persons as he may associate with himself, are hereby incorporated under the name and style of Mud Creek Bridge and Turnpike Company, and under that name shall sue and be sued, and have succession for twenty five years after the completion of said Bridge: they may have a common seal and the right of holding property, real and

personal, for the purpose of carrying out the object of this incorporation, and may transfer, alienate, and dispose of their joint or undivided interest therein at pleasure.

Sec. 2. That said Jesse Carter and his associates and successors shall have the sole and exclusive right to construct a toll bridge across Mud Creek, at or near the place known as Glass Crossing, on said creek; that said Company shall have the right of way from said bridge, and the privilege of opening a road at least one hundred feet wide, across the flats to the high lands, on both sides of said creek, and the right to construct such bridges over the sloughs and bayous to said high lands, as may be necessary to make a good and substantial road; that said Company shall build a Turnpike across all the low lands and flats from said bridge to the high lands, so as to make the same passable for travelers at all seasons of the year, and they shall have the right to use any and all timber which may be necessary to construct said turnpike across said flats and build said bridges.

Sec. 3. That said Carter and his associates and successors shall construct said bridge and turnpike in a good and substantial manner within two years from the passage of this Act, and shall keep the same in good repair for the term of twenty-five years from the completion thereof, and be ready at all times to pass all passengers, carriages, wagons, teams and stock, that may wish to cross on said bridge.

Sec. 4. That said Carter and his associates and successors shall be responsible for any accident or detention which may happen to any one crossing or desiring to cross, if it be clearly established that such accident or detention was caused from any insufficiency of said bridge or turnpike, or from any neglect of said Company.

Sec. 5. That upon application of said Carter or his associates, to the Judge of the County Court of Cherokee county, said Judge shall appoint two Commissioners to examine said bridge and turnpike, and if constructed in accordance with the provisions of this Act, said Commissioners shall report the fact to the County Court of said county, at a regular session thereof. The said County Court shall then establish such rates of toll, to be collected of all persons crossing said bridge as may be deemed proper. There shall be appointed annually thereafter, by said Court, two Commissioners, who shall examine annually said bridge and Turnpike, and report the condition of the same to the County Court at a regular session thereof, and if it shall appear that the said bridge and turnpike are not in good repair, said Company shall be debarred from collecting any toll until

the same shall be repaired. The Commissioners to be appointed under this section shall be entitled to receive of said Company two dollars each, for every day they may be so engaged.

Sec. 6. That no other bridge shall be constructed across said Mud Creek, for the term of twenty-five years, within four miles of the bridge which said Carter and his associates may construct.

Sec. 7. That if any person shall wilfully fail or refuse to pay tolls after crossing said bridge, he shall be liable to forfeit and pay to said Company the sum of five dollars, and the costs of suit, to be recovered before any Justice of the Peace, as in other cases.

Sec. 8. That this Act take effect from and after its passage.

Passed November 2, 1866.

CHAPTER CXXXVII.

An Act to incorporate the Waco Bridge Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That John B. Earle, Henry M. Hood, A. J. Buchanan, J. W. Speight, Oscar J. Dowers, John M. Burney, and such other persons as they may associate with them, and their successors in office, be, and they are hereby created a corporation under the name and style of the "Waco Bridge Company;" and as such may sue and be sued, may have a corporate seal, and may hold and own such property, both real and personal, as may be necessary to carry out the objects of this Charter, not to exceed two hundred and fifty thousand dollars in value.

Sec. 2. That it shall be the duty of said company to build a good, safe and substantial bridge across the Brazos river at the city of Waco, in McLennan county—said bridge to be commenced within three years from and after the passage of this Act, and to be built with a single or double track, as said Company may determine.

Sec. 3. That when said bridge shall be completed, said company are authorized to demand and receive from each and every non-resident of McLennan county crossing said bridge, or crossing their property over the same, a toll not to exceed the following rates, to wit: For each wagon, cart, carriage or other vehicle drawn by more than two horses or other animals, twenty cents per wheel, and five cents for each animal by which the same is

drawn, and where the same is drawn by two animals or less, ten cents per wheel, and five cents for each animal by which the same is drawn; for each animal and rider, ten cents; for each loose horse, mule, jack or jennet, five cents; for each loose animal of the cattle kind, five cents; for each foot passenger, five cents; for each sheep, hog, or goat, three cents; and from citizens of McLennan county, one-half the above rates.

Sec. 4. That it shall be the duty of the County Court of McLennan county, from time to time, to cause said bridge to be examined, and whenever they shall consider the same to be not in a good and safe condition for crossing, they may cause the gates thereof to be opened for the free crossing of the public, and so to remain until said Company shall place said bridge in good repair.

Sec. 5. That no person shall be authorized or allowed to erect any bridge, or keep any ferry across said Brazos river, at or within five miles of the city of Waco, after the said bridge herein authorized is completed; provided, that in case said bridge shall get out of repair, said company may keep a ferry boat until the said bridge is put in order.

Sec. 6. That the gates of said bridge shall, at all times, night and day, be opened for the passing of persons and property; and said company shall be responsible in damages for unreasonable delays, and for injuries to person or property resulting from the bad condition of said bridge.

Sec. 7. That this charter of incorporation continue and remain in force for twenty-five years from and after the completion of said bridge; and that this Act take effect and be in force from and after its passage.

Approved November 1, 1866.

CHAPTER CXXXVIII.

An Act to incorporate the Melrose Petroleum Oil Mining and Manufacturing Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That B. P. Hollingsworth, of Travis county, Texas; J. T. Flint, J. B. Earle and C. A. Hamilton, of McLennan county, Texas; J. B. Johnson and L. T. Barrett, of Nacogdoches county, Texas, their associates, successors and assigns, be, and are hereby constituted a body corporate and politic, by the name and style

of the "Melrose Petroleum Oil Mining and Manufacturing Company;" and by that name and style shall have twenty-five years succession, with power to contract and be contracted with, sue and be sued, plead and be impleaded in that name; to have a common seal; to engage in mining for petroleum or rock oil, iron, coal, salt water, and the privilege of erecting works for the manufacture of said articles, and other valuable minerals, for market and transportation, and selling of said products within or without the State; and to have all other powers needful and proper for the successful prosecution of their business, and for the execution of the powers herein granted. The said corporation may organize said company by the election of a President and such other officers and managers as they may deem necessary, at such time and place as they may designate by notice previously given; and when organized the company shall have power to make such by-laws, rules and regulations, as they may deem necessary, from time to time, for the government and prosecution of the business of said corporation, not inconsistent with the laws and Constitution of the State of Texas.

Sec. 2. That the capital stock of said company may amount to three million of dollars; the said company may buy, lease or rent, any suitable lands, mines, oil, iron, coal and salt rights and privileges, rights of way, and other property necessary for their business, and may dispose of the same by sale or otherwise; they may receive real estate, lease and hold mining rights and rights of way, and other property, in payment of such part of subscription or stock as they may deem advisable.

Sec. 3. Said corporation may erect and build, on any of their lands, such buildings, engines, machinery and fixtures, as may be deemed convenient and proper for carrying on and conducting the said business of the said corporation, within the counties of Nacogdoches, Angelina, San Augustine, Shelby, Anderson and Rusk.

Sec. 4. That the principal office of said company shall be at the city of Waco, McLennan county, and that service may be made thereon by service upon the President or Secretary thereof; provided, that the principal office of said company may be moved to any other point within this State, by the officers of the company giving notice for one month previous to such removal, in the nearest newspaper, of their intention, and the point to which the same is removed.

Sec. 5. That this Act be in force from and after its passage.

Approved November 2, 1866.

CHAPTER CXXXIX.

An Act to incorporate the Western Texas Colonial Land Immigration Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That Henry Beaumont, D. M. Stapp, W. M. Cook, John T. Brackenridge, D. G. Beaumont, A. L. Dibble, — Bechem, W. B. Knox, Thomas Freeman, C. C. Gillespie, and their present and future associates, successors and assigns, be, and are hereby incorporated and created a body corporate and politic, under the name and style of the "Western Texas Colonial and Land Immigration Company," with capacity in said corporate name to make contracts; to have succession and a common seal; to make by-laws for the government and regulation of the company; to sue and be sued; to plead and be impleaded; to maintain any action to final judgment and execution; to grant and receive, and generally to do and perform any and all such acts as may be necessary or proper for, or incident to the fulfillment of its obligations or maintenance of its rights under this Act, and in accordance with the Constitution of this State and the United States.

Sec. 2. The objects and purposes of the company are hereby declared to be: To develop the resources of the State by disseminating reliable information, inducing emigration from other States and from Europe, furnishing labor, extending facilities to emigrants, and directing and determining the investment and employment of capital and enterprise to the State.

Sec. 3. The capital stock of said company shall be not less than one million dollars, which may be increased to seven and one-half million of dollars, as hereinafter provided, divided into shares of one hundred dollars each, which shares shall be deemed personal property, and shall be assignable and transferable according to such rules and regulations as the President and directors of said company shall, for that purpose, ordain and establish. Said stock shall be subscribed and paid in as in this and the following sections may be provided. Within four months after the passage of this Act, the said Beaumont and his associates shall cause books of subscription to the capital stock of said company to be opened under their superintendence and direction. No subscription shall be received from any person who, at the time of subscribing, does not pay into the hands of the superintendents five per cent. on the amount of his subscription. That whenever any instalment of said capital stock shall be

required to be paid by the President and directors of said company, if any stockholder shall fail, neglect or refuse to pay any such instalment as required to be paid, the share or shares upon which such instalment has not been paid may be sold by such corporation, in such manner and under such conditions as may be provided by the by-laws and regulations of said corporation.

Sec. 4. That whenever it shall be determined by a vote of the stockholders to increase the capital stock of this company, as contemplated in section 3d of this Act, each stockholder shall have the privilege of subscribing to said increase of stock in proportion to the amount of original stock held by such stockholders in this company. If, in this manner, the whole amount of the proposed increase of stock shall not have been subscribed for and taken by the original stockholders, then the President and directors shall open books of subscription for the remainder of said stock, in the same manner and subject to the same rules and regulations as provided for in original subscription to the stock of this company.

Sec. 5. That the affairs of said company shall be managed by eighteen directors, who shall be elected by the stockholders annually, on the first Monday in January in each year, at the place where the principal office of the company may be established. Said directors shall hold office for the term of one year, and until others are elected and qualified, and shall be holders, respectively, of not less than five shares of the company stock. That whenever one hundred thousand dollars shall have been subscribed, as provided herein, the said company may go into operation by the election of directors, who shall hold office until the first regular election thereafter; this first election shall be ordered and held by any three of the persons named in section 1st of this Act, to be designated from among themselves. In all elections for directors, ten days' public notice thereof must be given, by publication in one or more newspapers of the State, and at all regular elections, the board shall appoint three stockholders to superintend such election, and in case of absence or failure to attend, the President shall appoint others to act in their stead. In the event of no election taking place on the day appointed, the President shall cause another to take place. In all elections, each stockholder shall have and be entitled to one vote for each share of stock in said company which he, she or they may hold; provided, that no individual, corporation or company shall vote on any stock transferred to him or them within sixty days prior to such election. The persons receiving a majority of the votes cast shall be declared duly elected Direc-

tors. In case of absence, any stockholder may vote by proxy, in writing.

Sec. 6. That at the first meeting of the board of directors after any election, they shall appoint one of their number as President of the company.

Sec. 7. That the President and any seven of the directors shall form a quorum for the transaction of all business of the company, and shall have power to appoint such officers, clerks agents and other persons as shall or may be necessary for properly conducting and exercising the business of the corporation, define their powers and duties, and allow said persons so appointed such compensation for their services as shall be deemed reasonable and just; to fill all vacancies which may occur in their own number or the Presidency; ordain such rules and regulations as they may deem necessary for the government of the company, and generally to exercise all other authority and powers for the well ordering and governing of the affairs of said company.

Sec. 8. Said corporation shall have the right and power to acquire real estate, to sell or otherwise dispose of the same; to contract with any person or persons desirous of immigrating to this State from any other State or country; for the advance of his, her or their expenses, which may be incurred in accomplishing their object, stipulating for the repayment by him, her or them, to this corporation, of the sum or sums of money so advanced, with a reasonable charge or commission for the labor, trouble and risk incurred; to contract for the sale or lease of any of the land or other property of said company to any person or persons whatsoever; to act as agents for the purchase or sale of any real estate or other property in this State, for other parties desirous of so selling or purchasing, with the right to charge and collect usual commissions for performing such services, and to invest and reinvest the funds of the corporation, in such manner as they may deem most judicious and advisable. If said company shall, by themselves, their agents or employers, introduce into this State from any foreign State or country, or by any of the agencies which they may employ, cause to be introduced into this State any pauper, convict or criminal, they shall forfeit all the franchises, privileges and benefits conferred by this Act, which forfeiture may be declared by the judgment of any District Court in this State, upon a proceeding instituted for that purpose, in the name of the State of Texas; and said company shall also forfeit, and pay to the State, for each and every pauper, convict or criminal so introduced into this State, one thousand dollars, which may be recovered in the same proceeding for the forfeiture

of their charter, or in a proceeding instituted specially for that purpose, in any District Court of this State.

Sec. 9. That in all yearly dividends that may be declared by said company, the amount to be paid to the stockholders shall not exceed ten per cent. on the amount of stock held by them, and the surplus shall be applied to and credited upon the unpaid stock account of the party entitled to the dividend, until such stock is paid in full, when it shall be the duty of the President and directors to issue certificates to the stockholders for full paid shares.

Sec. 10. The President shall preside at all meetings of the board, shall sign all papers necessary for the conduct and management of the business of the company generally, under the supervision of the board of directors, and shall perform such other duties properly connected with his office as may be assigned him by said board. In case of his absence, the board shall appoint one of their number to Act as President pro tem.

Sec. 11. It shall be the duty of the President and directors, within one month after the close of each year, of the company to cause to be published, for three weeks, in one or more newspapers of the State, a full statement of the business and condition of the company.

Sec. 12. No stockholder shall be held liable or responsible for the contracts or faults of said company in any further sum than the amount of his stock owned in said company.

Sec. 13. This company shall continue in operation for fifteen years, unless sooner dissolved, as hereinafter provided.

Sec. 14. At the expiration of this charter, or sooner, if ordered by a vote of the stockholders, as herein provided for, the affairs of said company shall be liquidated under the charge and superintendence of five commissioners, to be appointed by the board of directors, which commissioners shall remain in office until the final liquidation of the affairs of said company. This Act of incorporation may be dissolved at a general meeting of the stockholders, to be convened for that purpose, after thirty days' notice of the time and place of such meeting, published in three public newspapers of this State, one of which shall be at the seat of government, and with the assent of three-fourths of the stock represented at such meeting such dissolution shall be determined upon; and it shall then be the duty of the President and directors to appoint commissioners, as herein provided, giving the same notice thereof as herein provided for the convention of stockholders.

Sec. 15. This Act shall take effect and be in force from and after its passage.

Approved November 2, 1866.

CHAPTER CXL.

An Act to Incorporate Oakland College.

Section 1. Be it enacted by the Legislature of the State of Texas, That a school of learning, consisting of male and female departments, be, and the same is hereby established in the county of Johnson, to be known as Oakland College.

Sec. 2. That Wm. Craig, Philip Walker, S. H. Richards, Levi Fowler, Simeon Robinson, Jobe Cooper, J. S. Morrow, Granville Criner, S. M. Hornbeck, L. B. Blair, Thos. Flippin and W. R. Shannon, be, and they are hereby declared to be the Trustees of said College, and are constituted a body politic and corporate, in deed and in law, by the name of the President and Trustees of Oakland College, and by that name they and their successors may sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in any court having jurisdiction, and to grant, bargain and sell, or assign any lands, tenements, goods or chattels, now belonging to said College, or that may hereafter belong to the same; to construct all the necessary buildings for said institution; to establish a preparatory department; to organize, establish and control a separate department and school for females, and such dependent institutions as they shall deem necessary in furtherance of the object of this act; to have the management of the finances, the privilege of electing their own officers, of appointing all necessary committees, and to act and do all things whatsoever for the benefit of the said College, in as ample a manner as any person or body politic or corporate, may and can do by law.

Sec. 3. That the said Trustees shall have power of prescribing the course of studies to be pursued by the students, and of framing and enacting all such ordinances and by-laws as shall appear to them necessary for the good government of said College, and for their own proceedings; Provided, that the same be in accordance with the Constitution of the United States and the State of Texas.

Sec. 4. The Trustees shall appoint a President and the Professors, who shall be styled the Faculty of Oakland College,

which Faculty shall have power of enforcing the ordinances and by-laws adopted by the Trustees for the government of the students, by rewarding or censuring them, and finally by suspending such of them as, after repeated admonitions, shall continue disobedient or refractory, until a determination of a quorum of Trustees can be had; but it shall only be in the power of a quorum of Trustees to expel any student or students of said College.

Sec. 5. That the Trustees shall be empowered by the Faculty of said College to grant or confer such degree or degrees in the arts and sciences to the students of said College, and to other persons worthy thereof, as are usually granted and conferred in other Colleges, and to give certificates thereof, or diplomas, signed by them, and sealed with the common seal of the Trustees of the College, to authenticate and perpetuate the memory of such graduations.

Sec. 6. That whenever any vacancy may occur in the Board of Trustees, either by death, resignation or otherwise, such vacancy or vacancies shall be filled by the selection of the remaining Trustees.

Sec. 7. That all necessary officers of said College shall be appointed by a majority of the Board of Trustees, viz: the faculty or minor officers, and that said officers shall always be subject to removal by the appointing power, for cause.

Sec. 8. That the salaries of all officers connected with the College, shall be fixed by a majority of the Board of Trustees.

Sec. 9. That Oakland College shall be purely literary and scientific, and that the students of all religions shall enjoy equal advantages.

Sec. 10. That this Act take effect and be in force from and after its passage.

Approved November 2, 1866.

CHAPTER CXLI.

An Act to Incorporate the City of Brenham.

Section 1. Be it enacted by the Legislature of the State of Texas, That all the inhabitants within one square mile of the court house in Brenham shall constitute a body politic and corporate, with perpetual succession, by the name and style of "The City of Brenham:" and as such, by that name, shall be capable

of contracting and being contracted with, suing and being sued, impleading and being impleaded, in all courts and places, and in all matters whatsoever; may purchase and hold real, personal and mixed property, and dispose of the same for the benefit of said city, and may have and use a corporate seal, and change and renew the same at pleasure.

Sec. 2. That the municipal affairs of said city shall be administered by a Mayor and five Aldermen, a Marshal, an Assessor and Collector, a Treasurer, and such subordinate officers as the Mayor and Aldermen may deem necessary; the Mayor and Aldermen to be elected, and the others appointed by the Mayor and Board of Aldermen.

Sec. 3. That every male person, qualified by the existing laws of this State to vote for members of the House of Representatives, and who shall have real estate within the limits of said city of the value of two hundred and fifty dollars, and who shall have paid all taxes due from him to the State, county and city at the time of voting, and none other, shall be entitled to vote for municipal officers of said city.

Sec. 4. That any qualified voter for municipal officers shall be eligible to hold such offices, and none but such qualified voters shall be entitled to hold the same.

Sec. 5. That an election for municipal officers shall be held every four years, on the first Monday in August, the first election to take place on the first Monday in August, A. D. 1867; provided, that the county judge of Washington county may appoint the municipal officers to act as such until the first election to be held as aforesaid; and provided, that a majority of the Board of Aldermen shall have power to fill all vacancies occurring among the municipal officers.

Sec. 6. That notice of election shall be given by the County Judge, in the same manner as for county elections, in all cases of regular elections as herein provided for; and elections shall proceed in all other respects as provided for the election of county officers by the laws now existing or that may hereafter be enacted.

Sec. 7. That the Mayor of said city shall be the Chief Executive Magistrate thereof, and it shall be his duty to be active and vigilant in causing the laws, ordinances and regulations of the city to be executed and enforced. He shall take instant measures for quelling all riots and disorders. He shall exercise general supervision over the conduct of all subordinate officers, and cause all violations of law, or neglect of duty, to be reported to the Board of Aldermen, to be punished by fine not to exceed one hundred dollars, or by dismissal from office, as they shall

see fit. He shall, at the request of two Aldermen, call special meetings of the Board of Aldermen, causing due notice to be given to each member thereof, and shall preside at meetings of the board, but shall have no vote, unless there be a tie, in which case he shall give the casting vote. He shall, from time to time, recommend to said board such measures as concern the welfare of the city, and perform such duties as the Board of Aldermen may lawfully require of him, in his official capacity, and for his services shall receive such salary as may be determined by the said board, which shall not be increased or diminished during his term of office. The said Mayor shall have the civil and criminal jurisdiction of a Justice of the Peace, within the corporate limits of said city, in addition to that of enforcing the by-laws of his city, and all other powers herein granted.

Sec. 8. That the Board of Aldermen, a majority of which shall form a quorum, shall have full power and authority to pass such ordinances, regulations, laws and by-laws, as they may deem necessary for their own government, and to preserve the peace, cleanliness, comfort and salubrity of said city; to secure the safety and convenience of passing in the streets, alleys and squares; to direct the construction and repairs of sidewalks on the said streets, at the cost of the proprietors of neighboring houses and lots; to require all low grounds and lots in said city to be drained and filled up, and in case of failure or refusal, after due notice to the said proprietors, to order the premises sold to defray the expenses thereof; to establish a city guard or patrol, and to regulate the same; to establish one or more market places, and provide for inspection of articles sold therein; to regulate every thing relating to the proper carrying on of any legitimate business transacted in said city; to prevent the establishment in said city of houses of ill-fame, or places of resort for gambling or other vicious practices; to establish work-houses, and designate such works of public utility for the punishment of violators of law as they may see proper, and generally to pass all such acts as may not be in violation of the laws of this State or the Constitution thereof; provided, that no ordinance, law or by-law shall go into effect unless approved by the Mayor, or being disapproved by him, shall be passed by three-fifths of the Board of Aldermen.

Sec. 9. That three-fifths of said board may, at any time, dismiss, for cause assigned, any officer, except the Mayor, and elect a new incumbent; and to defray the expenses of said city, the said board are authorized to impose a direct property and license tax upon all such persons, property and employments, as

are liable to taxation under the Constitution and laws of this State, and to make and execute all laws necessary to enforce the collection of the same; provided, that no property tax shall exceed, for any one year, one-half of one per cent. of the value of the property, nor any license tax the sum of fifty dollars, nor shall any tax be levied without the concurrence of four-fifths of the whole board in its favor; and to enforce the ordinances of said city, the said board shall impose, for the violation thereof, such fines and penalties, not exceeding one hundred dollars, and such imprisonment, not exceeding five days, to be inflicted through the Mayor's Court, as they may deem proper and necessary. The said board may provide for the mode of assessment and collection of taxes, and the safe keeping of the public moneys, including fines which shall be paid into the city treasury, and for the disbursement of the same.

Sec. 10. That the Marshal shall perform such duties as shall be assigned him by the Board of Aldermen.

Sec. 11. That for the more efficient discharge of their duties, the Mayor and Constable are empowered to call to their aid the assistance of any resident of said city, whenever, in the discharge of their several duties in repressing disorders, they may need the same; and any person or persons who shall, when so called upon, neglect or refuse, shall be liable to such fine, not exceeding one hundred dollars, as the Mayor may, in his sound discretion, impose.

Sec. 12. That in any suit in which the said city may be a party, it shall be no exception to the competency of a witness that he is an inhabitant of, or the owner of taxable property in said city; and all writs served upon the Mayor shall be deemed to be served upon the city of Brenham.

Sec. 13. That this Act take effect and be in force from and after its passage.

Approved November 3, 1866.

CHAPTER CXLII.

An Act to incorporate the Trinity Valley Railroad Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That James Wrigley, John F. Carr, Benjamin F. Ellis, J. W. Baldwin, D. Willis, John T. Smith, John H. Burnett, Daniel Daily, Wm. H. Cundiff, A. B. Trowell, S. T. Robb, O.

Teagarden, C. C. Taliaferro, Barnett Harden, and A. W. Spaight, and their associates and successors, be, and they are hereby appointed commissioners, to open books and receive subscriptions to the capital stock of a corporation to be styled the Trinity Valley Railroad Company, but they shall receive no subscription to said capital stock unless five per cent. thereof, in cash, be paid to them at the time of subscribing; and should they receive subscriptions to said capital stock, without such payment, they shall be personally liable to pay the same to said corporation when organized. A majority of said commissioners shall constitute a quorum to do business, and they may hold their meetings at such times and places as a majority shall designate; provided, that public notice of all such meetings shall be given by publication in some newspaper printed in Liberty and Houston counties at least twenty days before any such meeting.

Sec. 2. That the subscribers to said capital stock, whenever they shall have elected directors, in the manner hereinafter provided, shall be, and they are hereby enacted and established, a body corporate and politic, under the name and style of the Trinity Valley Railroad Company, with capacity in said corporate name to make contracts, to have succession, and common seal, to make by-laws for the government and regulation of the company, to sue and be sued, to plead and to be impleaded, to grant and receive, and generally to do and perform all such acts as may be necessary and proper for, or incident to, the fulfillment of its obligations, for the maintenance of its rights under this act, and in accordance with the Constitution and laws of this State.

Sec. 3. That the capital stock of said corporation shall be five millions of dollars, and it shall have power to increase the same to six millions of dollars. The said corporation shall be and is hereby invested with the right of locating, constructing, owning and maintaining, a railroad from a point at or near the town of Liberty, in Liberty county, thence northwardly, as surveys may determine to be most practicable, to a point at or near the town of Crockett, in Houston county, passing through the counties of Liberty, Polk, Trinity and Houston. And said corporation is hereby invested with the right of locating, constructing, owning and maintaining a railroad in continuation of said road, from the terminus of the same, at or near the town of Liberty, in Liberty county, to any eligible shipping point on Galveston Bay, that said corporation may select.

Sec. 4. That the capital stock of said company shall be divided into shares of one hundred dollars each, each share entitling

the owner thereof to one vote, in person or by proxy, at all meetings of the company, and the shares shall be deemed personal estate; shall be transferable by any conveyance in writing, recorded either by the Treasurer in books kept by him for that purpose at his office, or by any other officer duly authorized by the Directors, in books kept by him at such other place as the Directors may appoint, such transfers as are recorded in any other place, being within ninety days, communicated to the Treasurer, and entered upon his books.

Sec. 5. That the immediate control and direction of the affairs of said corporation shall be vested in a board of not less than five directors; said directors shall elect one of their own number to be President of the company. Whenever two hundred thousand dollars of the capital stock of said corporation shall have been subscribed, and five per cent. thereof shall have been paid to the commissioners hereinbefore named, they shall cause an election to be held by said subscribers, at the town of Liberty, in Liberty county, for not less than five directors, having first given public notice of the time of said election in some newspaper published in said Liberty county, after which said commissioners shall account for and pay over to said directors all such sums as they shall have received of the capital stock of said company, first deducting a reasonable compensation for their services as commissioners. No person shall be eligible to the office of director, unless he be a subscriber, or owner of at least three shares of the capital stock. The directors shall have the power to fill any vacancy in their body arising from non-election, or other cause. They shall have power to appoint a clerk, treasurer, and such other officers or agents as they may deem necessary, and prescribe and require bonds for the faithful performance of their duties. They shall make all necessary rules and regulations for the holding of meetings, and doing all other things they may deem proper for carrying out the provisions of this charter and the business of the company. They shall keep, or cause to be kept, correct records of all meetings of the directors and company, and accurate books and accounts of the receipts and expenditures of the company, and all other books and accounts necessary and proper to be kept by such company, which books shall be open to the inspection of the stockholders. A majority of the board of directors shall have the power of a full board, and all conveyances and contracts executed in writing, signed by the President, and countersigned by the Treasurer, or any other officer duly authorized by the Directors, under the seal of the com-

pany, and in pursuance of the vote of the Directors, shall be valid and binding.

Sec. 6. That the directors shall have power to receive further subscriptions to the capital stock of said corporation, from time to time, until the full amount thereof shall have been subscribed, but five per cent. of all such subscriptions shall be paid in cash at the time of subscribing, and the directors shall be personally liable to said company for five per cent. of all subscriptions that they may receive to said capital stock, without such payment; provided, however, that said company may, by a vote of a majority of the stockholders, cause certificates of stock to be issued in payment of any debt contracted for the construction or equipment of their road; any agreement in writing, whereby any person shall become a subscriber to the capital stock of said company, shall be enforced against him according to its terms. If any subscriber shall fail to pay any amount due upon shares subscribed for by him, according to the terms of his subscription, the directors may, after thirty days public notice, sell at public auction, the shares subscribed for by said delinquent, and transfer such shares so sold to the purchaser. If the proceeds of such sale shall not be sufficient to pay the amount due with interest and charges, such delinquent shall be held liable to the company for the deficit, and if the proceeds shall exceed the amount so due, with interest and charges, he shall be entitled to the surplus.

Sec. 7. That it shall be lawful for the company to purchase and hold any land that may be necessary, for the purpose of locating, constructing and maintaining said railroad; with all necessary depots, and other buildings, and by their engineers or agents enter upon and take possession of all such lands as may be necessary for the locating, constructing and maintaining said railroad, and if they shall not be able to obtain such lands by agreement with the owner, they shall pay for the same such amount as shall be determined in the manner provided for in the following section. The land so taken for the railroad shall not exceed two hundred feet in width, and for depots and buildings, only such further width as may be necessary.

Sec. 8. That any person from whom lands have been taken, for the purposes set forth in the preceding section, may apply to the District Court of the county in which said lands are situated, for the appointment of appraisers, and said court, after proof that the President, or other officers of the company, have been served with a notice, describing the land, ten days before the holding of the court, shall thereupon appoint three disinterested

freeholders, citizens of the county, who shall appoint a time and place to hear the application, and the court shall cause reasonable notice to be given to the President or agent of said company, of the time and place so appointed, and said freeholders being sworn, shall, after hearing the parties and the evidence, determine the amount of compensation due, and make return of their award to said court at its next term; and said award may be confirmed, or for any sufficient reason, rejected by said court, in the same manner as awards by arbitrators under a rule of court, and if confirmed by the court, judgment shall be rendered thereon, as in other cases. In determining the amount of compensation to be paid, as aforesaid, freeholders shall be governed by the actual value of the land at the time it was taken, taking into consideration the benefit or injury done other neighboring lands of the owner, by the establishment of said railroad. If, in any case, the amount found by the arbitrators, shall not exceed the sum proved to have been offered by the company to the owner, prior to his application to the court, the owner shall pay the costs of the proceedings, otherwise the company shall pay the same.

Sec. 9. That the said company shall have power to borrow money on their bonds or notes, upon such terms and at such rates as the directors may deem expedient; provided, however, that nothing herein shall be construed to confer banking privileges of any kind.

Sec. 10. That upon the written request of one-fourth of the stockholders, the President of the company shall call a special meeting of the directors, and upon the written demand of three-fourths of the stockholders, the President shall remove any one, or the whole, of the directors, and order a new election, within thirty days, which directors, so elected, shall hold their office until the time prescribed for the next regular election.

Sec. 11. That said company shall commence work within one year after the passage of this act, and shall complete a section of twenty-five miles of their road within two years thereafter, or this charter shall be null and void.

Sec. 12. That a majority of the directors of this company shall be citizens of this State, and their principal office shall be in the State of Texas, and all elections for officers of the company shall be held where said office is located.

Sec. 13. That the company is hereby required, at all reasonable times, and for a reasonable compensation, to draw over their road the passengers, merchandise, and cars, of any other railroad corporation, which has been, or may hereafter be, authorized by

the Legislature, to connect with their road; and if the respective companies shall be unable to agree upon the compensation aforesaid, it shall be the duty of the President of each company to select, each, one man as a commissioner, and the two commissioners, so selected, shall choose a third, in case of disagreement, neither of whom shall be a stockholder in either road, or interested therein, and they shall fix the rates, which shall not be changed for one year from the time of going into effect. The said commissioners shall also fix the stated periods at which said passengers and cars are to be drawn, as aforesaid, having reference to the convenience and interests of said corporation and the public, who shall be accommodated thereby. The right and power is especially conferred on this company to connect and contract with any railroad heretofore or hereafter chartered, for the performance of like transport, and in case of disagreement between companies, the same shall be referred and settled as aforesaid, to be binding for one year, as aforesaid.

Sec. 14. That this act of incorporation shall continue in force fifty years, unless sooner forfeited or repealed.

Sec. 15. That this company shall be subject to the provisions and entitle to the benefits of any general laws which have been or may be enacted by the State Legislature, regulating railroads, or encouraging the construction of the same, and in all things this charter shall be subject to and subordinate to the general railroad laws of this State.

Sec. 16. That the directors of this company shall be elected by the stockholders every two years, and shall hold their offices for the period of two years, and until their successors are elected, except in cases of removal, as provided for. All elections for directors shall be advertised at least thirty days in some newspaper of general circulation along the route of the road.

Sec. 17. That "An Act to incorporate the Trinity Valley Railroad Company," approved February the 3d. 1860, be and the same is hereby repealed.

Passed November 5, 1866.

CHAPTER CXLIII.

An Act to incorporate the Waco Tap Railroad Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That a Corporation and body politic be, and the same is

hereby created to consist of the President, Directors and stockholders of an association to be styled the Waco Tap Railroad Company, and J. B. Earle, James E. Harrison, George E. Burney, Richard Coke, E. J. Gurley, L. F. Puckett, J. M. Steiner, John Shackelford, Wm. Dunklin and H. W. Hood, be, and they are hereby appointed Commissioners to organize said Company; and said Company shall have power, in their corporate capacity under the name and style of the Waco Tap Railroad Company, to have succession and a common seal, to make contracts, to sue and be sued, to plead and be impleaded, to grant and receive, to make by-laws, and generally to do and perform such acts and things proper and necessary to be done to carry into effect the objects and consummate the ends of this incorporation, and the maintainance of the rights accruing under, or connected with it, if not inconsistent with the laws of the State.

Sec. 2. That said corporation is hereby invested with the right to locate, construct, own and maintain a Railway commencing at a convenient point on the Houston and Texas Central Railroad within or below the county of Falls, and running thence northwardly, by the most eligible route to or near the town of Waco, crossing and re-crossing the Brazos river wherever the Company may deem it necessary.

Sec. 3. That the capital stock of said Company shall be one million of dollars, divided into shares of fifty dollars each, and each share shall entitle the owner thereof to one vote in person or by written proxy, at all meetings of the stockholders, and the shares shall be deemed personal property, and shall be transferred only on the books of the Company by the person owning the same, or by his legally constituted agent or attorney; such stock shall be at all times holden by the Company for any dues from the owner thereof to the Company, or for any sums that may thereafter become due on any contract made with such Company prior to such transfer.

Sec. 4. That the Commissioners named in the first section of this Act, or a majority of them, shall, as soon as convenient, cause books to be opened for subscription to the capital stock of said Company, in such places as they may deem proper, which books shall be kept open for such time as said Commissioners may direct, and until one hundred thousand dollars of the capital stock may be subscribed; due notice shall be given of the opening of said books, by the Company, by publication in two or more newspapers published in the vicinity of the line of said road. And when said one hundred thousand dollars of the capital stock may be subscribed, the Commissioners shall cause a

meeting of the subscribers to organize said Company, as herein-after directed; and any agreement in writing, by which any person shall become a subscriber to the capital stock of said Company, may be enforced against him according to its terms, and if any person fails to pay the amount due by him to said Company, for shares in said capital stock, according to the terms of his subscription, after the organization of said Company, the Directors, or their duly authorized agents, may sell at auction, after thirty days notice, and transfer to the purchaser the shares of the delinquent, and if the proceeds of the sale shall not be sufficient to pay the amount due on said subscriptions, with interest and charges, said delinquent subscriber shall be held liable to the Company for the deficiency due on such subscription, and if the proceeds of said sale should exceed the amount so due, with interest and charges, said delinquent shall be entitled to the surplus.

Sec. 5. The immediate government and direction of the affairs of said Company, shall be vested in a Board of not more than eleven Directors, who shall elect one of their number President of said Company. No person shall be eligible to the office of Director unless he be the owner of at least ten shares of the stock of said Company. The Directors shall be elected annually by the stockholders of said Company, each being entitled to one vote for every share he may own, the first election to take place within two years of the passage of this Act, at such time and place as the persons named in the first section of this Act, or a majority of them may determine; provided, however, it may be within the State of Texas; and, provided further, that at least two-thirds of said Directors shall be citizens of the State of Texas; and should a vacancy occur in the said Board of Directors, by death, resignation or otherwise, the vacancy or vacancies may be filled by the residue of said Directors, for the unexpired term; and should the stockholders, for any cause, fail to hold an election at any regular period, those in office shall continue Directors until a regular election. It shall be the duty of the Directors to appoint a Secretary and Treasurer; they shall keep, or cause to be kept, a record of all their proceedings, and an account of the receipts and expenditures of said Company, and all such other books necessary and proper to be kept by said Company, and shall be open at all reasonable hours for the inspection of any person interested in said Company. A majority of the Board of Directors shall have authority of a full Board. All the conveyances and contracts in writing, executed by the President, and countersigned by the Directors, shall be made

valid and binding, if made under authority of this Act; said Company shall keep their office on the line of said road, and report annually, after the full organization of the same, to the Governor of the State, the condition of said Company, under the oath of the President, Secretary and Engineer of the same.

Sec. 6. That no debts or liabilities contracted, or losses sustained by said Company, shall be binding individually upon the stockholders for any sum exceeding the amount of their respective shares.

Sec. 7. There is hereby granted to said Company the right of way over any of the public lands, roads, or highways necessary for the construction of said road, and said Company may purchase or otherwise obtain from the owners the right of way over lands through which the road may run, as well as all lands necessary for the construction of depots and other necessary buildings; and in case such Company cannot obtain such right of way and lands by agreement with the parties holding and owning the same, they shall pay therefor such compensation as shall be determined upon, in the manner provided in the following section; provided, that the land so taken for the road bed, shall not exceed two hundred feet in width, and for depots and other buildings, such further width as may be necessary for such other buildings.

Sec. 8. That any person, when land has been taken as aforesaid, without agreement or satisfactory compensation, may apply to the District Court of the county in which said land lies, for the appointment of Commissioners to assess the value thereof, and said Court shall thereupon appoint three disinterested freeholders of said county, whose duty it shall be to appoint a time and place to hear the applicant and Company, and give them reasonable notice of said time and place, and after being duly sworn and hearing the parties, shall determine the amount of compensation, if any, to which the applicant may be entitled, and make a return thereof of their award, to the next succeeding term of said Court; if said award is not rejected by said Court for sufficient cause, then shown by one of the parties, it shall be entered as the judgment of the Court, and the use of said land condemned for the benefit of said Company. In determining the question of compensation, said Commissioners shall be governed by the actual value of the land at the time it was taken, and the benefit or injury done to the other lands and property of the owner, by the establishment of said railway, and if the amount of compensation awarded by said Commissioners shall not exceed the amount offered by said Company, prior to said application to

the Court, the applicant shall pay the costs of the proceedings, otherwise, the Company shall pay the same; provided always, that the provisions of this Charter shall not conflict in any respect with the general railroad law of the State.

Sec. 9. It shall be the duty of said Company, whenever any State or County road now or hereafter established, shall be crossed by the track of said railway, to make and keep in repair good and sufficient causeways at each crossing, and in all cases where persons may own land on both sides of said railway, and there should be no convenient access from one part to the other, such owner shall have the right, at all reasonable times, to cross the track of said railway.

Sec. 10. That said Commissioners may acquire real estate by gift or purchase, and may appoint agents in such manner as they think fit, with full authority to receive subscriptions of stock and conveyances of land to said Company, until the time fixed for the first meeting of the stockholders, which authority may then be extended by the Directory elected at said meeting of the stockholders.

Sec. 11. Said Company shall have the right to demand and receive such rates of prices for transportation of freight and passengers as they may think proper to establish, not exceeding five cents per mile for passengers, and fifty cents per hundred pounds of freight for every hundred miles the same may be carried; provided, that the Legislature of this State shall have the right at all times to regulate the price of passage and transportation of freight upon said road, so as not to reduce the same below twelve per cent. per annum upon the actual costs of the same, and equipments thereto attached.

Sec. 12. Nothing in this Act shall be so construed as to confer banking privileges; provided, however, that said Company shall have the power to borrow money on their bonds or notes, at such rates as the President and Directors may deem expedient.

Sec. 13. That said Company shall commence the construction of said road within twelve months after the organization of their Company, and shall have completely graded at least twenty-five miles of said road within two years from the passage of this Act, and twenty five miles shall be graded every year thereafter.

Sec. 14. That the track of this railway may cross any stream in its route, provided it does not obstruct its navigation.

Sec. 15. That the stockholders, Board of Directors, or their successors in office, shall not have the power to alienate, sell,

transfer or otherwise dispose of the franchise herein granted, for a consideration.

Sec. 16. That the stockholders in said Company shall be required to pay in five per cent. upon their stock, on or before the first meeting of the stockholders, as hereinafter provided, and shall be required to pay annually thereafter, not less than ten per cent. on the amount of their stock in said Company; and any stockholder failing or refusing to pay the amount annually assessed on his or their stock, within sixty days after the time named for such payment, such stockholder shall not be entitled to hold the office of Director, to vote in favor of such stock, or to draw any dividend on account thereof, so long as the installments called for remain unpaid or unsold, as provided for in section 4 of this Act.

Sec. 17. The first meeting of the Commissioners associated by this Act shall be held in the town of Waco, at such time hereafter as the majority of said Commissioners may designate.

Sec. 18. That there be extended to this Company all the grants, provisions, immunities and privileges of an Act entitled an Act to encourage the construction of Railroads in Texas, by donations of lands, approved January 30th, 1854; that this Charter is granted subject to all the provisions of the general Railroad laws as they now exist, or as they may hereafter be altered or amended.

Sec. 19. That this Company shall have the right to connect their road with the Houston and Texas Central Railroad, at such point within Falls county, or south of the same, as they may elect; provided, that if the Waco Tap Railroad, by the consent, agreement or contract of the Directors thereof, or any other person or persons authorized, ever becomes an extension or part of the Houston and Texas Central Railroad, so as to cause the same to deviate from the route now designed in its Charter, then the franchises herein granted to the Waco Tap Railroad, shall be forfeited, and all the right and title to and in said road, together with all the rolling stock and other property to the same, in any manner belonging, and franchises thereof, shall vest in the State, and thereupon it shall be the duty of the Comptroller to take charge of the same for the use and benefit of the State, subject to the control of the Legislature; and provided further, that no right or franchise herein forfeited, shall ever be restored to said Company, or any one else, except by sale as provided by law.

Sec. 20. That this Act of incorporation shall continue fifty years, unless sooner repealed or forfeited.

Approved November 5, 1866.

CHAPTER CXLIV.

An Act to incorporate the Texas Overland Transportation Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That F. B. Sawyer, B. A. Risher, C. K. Hall, and their associates, be, and they are hereby declared a body corporate and politic, in the name of the Texas Overland Transportation Company, with the power to acquire by purchase or otherwise, any and all property real, personal and mixed, which may be necessary for carrying out and accomplishing the objects of this Charter, to sue and be sued, in any of the Courts of this State, to establish by-laws, rules and regulations for the government of said association, not inconsistent with the laws of this State.

Sec. 2. The capital stock of said Company shall be five hundred thousand dollars, with power to increase the same to one million dollars, which may be divided into shares of such sums as may be fixed and determined by said Company through their Board of Directors. The persons named in the first section of this Act, shall constitute the Board of Directors of said Company, until such time as the stockholders shall determine to elect another Board, and they shall have authority to open books of subscription for stock and to issue certificates therefor, in such form and at such time and places as they may determine. The principal office of said Company shall be at the city of Austin, Travis county, where service of all legal process may be made upon the President, Secretary or any one of the Board of Directors.

Sec. 3. That said Company shall have power to do and carry on the transportation of mails, freights and passengers, over such lines of travel and transportation as they may establish in this State, and to demand and receive therefor, such rates of fare as may be reasonable and customary, and as may be established from time to time by the Board of Directors, and shall be responsible for such care and diligence, and for such losses and damages as may appertain and attach to common carriers.

Sec. 4. That said Company shall have succession for thirty

years and no longer; and that this Act take effect and be in force from and after its passage.

Approved November 5, 1866.

CHAPTER CXLV.

An Act supplementary to an Act entitled an Act to incorporate the San Antonio Ice Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That the seventh section of an Act to incorporate the San Antonio Ice Company, be, and the same is hereby amended so as to read as follows: That said Act shall continue in force from and after its passage, and during the period of twenty-five years.

Sec. 2. That this Act take effect from its passage.

Approved November 5, 1866.

CHAPTER CXLVI.

An Act supplemental to and amendatory of an Act to incorporate Colorado College.

Section 1. Be it enacted by the Legislature of the State of Texas, That the third section of an Act entitled an Act to incorporate Colorado College, approved December 26th, 1857, be amended so that the same shall hereafter read as follows, to-wit: That the Board of Trustees shall consist of nine members, a majority of whom shall be members of the Evangelical Lutheran Church, as it stands connected with the general Synod of the United States.

Sec. 2. And that the fourth section of the above recited Act be so amended as to read as follows, to-wit: That five members of the Board of Trustees shall constitute a quorum for the transaction of all business relating to the College, excepting the election of a President for the Institution, and the carrying into effect that portion of the Charter which provides for the creation of scholarships, in which cases no action shall be taken without two-thirds of the Board shall be present.

Sec. 3. And that the seventh section of said Act be so

amended that the same shall read as follows: The Board of Trustees shall convene at least once annually, at the College building, and may be convened at any time, upon written notification from the President or Secretary, stating the object of the meeting, and sent by mail or other conveyance, to each member of the Board.

Sec. 4. That the College building and the grounds upon which the same is situated in the town of Columbus, be exempt from taxation, and that all laws and parts of laws in conflict with the provisions of this Act, be, and the same are hereby repealed; and that this Act take effect and be in force from and after its passage.

Approved November 5, 1866.

CHAPTER CXLVII.

An Act supplemental to the modified charter of the Aransas Road Company.

Section 1. Be it enacted by the Legislature of the State of Texas as follows: The Aransas Road Company shall continue to have rights and privileges as they were on the first day of January, eighteen hundred and sixty-one, A. D., subject only to the following modifications: First, The rights and privileges of the company shall not be prejudiced by the limitations in the charter as to time; and each of them shall be extended to the first day of the year eighteen hundred and seventy-two, A. D. Second. The company, by a deed of its President, may convey to the city of Corpus Christi, and its assigns, a right of way for a Ship Canal through Harbor Island, between the bays of Aransas and Corpus Christi, which right must be for a space one hundred yards in width, situated south of the lighthouse premises, nearly or quite adjacent thereto, bounded north and south by right lines between the nearest points for eligible terminations of the canal in deep water; and on making such conveyance, the company shall be relieved from any obligation, either to obtain the consent of the city of Corpus Christi for constructing and maintaining a bridge, or to make and maintain a depot in said city, so that the company may proceed as if it never had been subject to such restrictions. Third, The company shall be relieved from the condition of making adjacent to its levee-road between the mainland and Corpus Christi Bayou, "an improved

channel for navigation of the depth of six feet at ordinary tide," on account of natural obstructions; but the company may make the "improved channel" as may be practicable and eligible.

Sec. 2. That this Act shall be in force from its passage.

Approved November 6, 1866.

CHAPTER CXLVIII.

An Act to incorporate the Officers and Members of St. John's Lodge, Number Fifty-Three, of Ancient York Free and Accepted Masons, located and working at Tyler, in the County of Smith, in the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That the officers and members of St. John's Lodge, Number Fifty-Three of Ancient York Free and Accepted Masons, located and working at Tyler, in the County of Smith, in the State of Texas, and their successors and associates be, and they are hereby created a body politic and corporate, by the name and style of "St. John's Lodge, Number Fifty-Three, of Ancient York Free and Accepted Masons, with succession for twenty years, and by that name shall be capable, in law, of having and using a common seal, and to change the same at pleasure, of suing and being sued, pleading and being impleaded, answering and being answered, and of defending and being defended; and may ordain and put in execution, such by-laws, rules and regulations for their government and the management of their affairs, with power to change and renew the same, as they may deem proper; provided they be not contrary to the Constitution and laws of the State of Texas, or of the Constitution of the United States of America.

Sec. 2. That said corporation shall have power to acquire and hold real and personal estate, not exceeding one hundred thousand dollars in value at any one time, and from time to time to sell and convey the same, or any part or parts thereof, and to re-invest and dispose of the proceeds thereof, and to make such use and disposition of their funds for social, charitable or educational purposes as they may deem proper, not inconsistent with the laws of the land.

Sec. 3. That said corporation shall have power to establish and maintain institutions of learning, and to acquire, hold and manage such fund or funds for the establishment and support

thereof, not to exceed the amount and value of one hundred thousand dollars, allowed by the second section of this Act, as they may deem proper, and to appoint suitable teachers, stewards and other usual and necessary officers, and to remove the same at pleasure, and to ordain, execute, modify or change all by-laws, rules and regulations, which said corporation may deem necessary for the government thereof, not inconsistent with the Constitution and laws of this State or of the United States.

Sec. 4. That in any suit or other proceeding against the said corporation, service of process or of due notice, or of any other papers, may be made by delivering to any officer of the corporation, a copy thereof, duly certified, and the officer or other person serving the same, shall state in his return the officer upon whom it was served, naming him.

Sec. 5. That any deed of conveyance, duly signed and executed by the officers of said corporation, in pursuance of a resolution authorizing the same, shall be deemed valid in law, and shall in law have the same force and effect as other like deeds of conveyance.

Sec. 6. That this Act shall take effect and be in force from and after its passage.

Passed November 6, 1866.

CHAPTER CXLIX.

An Act to incorporate the Richland Turnpike and Toll Bridge Company.

Section 1. Be it enacted by the Legislature of the State of Texas. That William M. Love, of Navarro county, and such associates and successors or assigns as he may associate with him, are hereby authorized to erect a Toll Bridge and Turnpike across Richland Creek and the bottom or swamp near said creek, at or near what is known as Love's Crossing, in Navarro county, on the Corsicana and Springfield Road; and the above named William M. Love, and his associates, successors and assigns, shall be allowed to erect a Toll Gate; shall have the right of way, and all other rights and privileges necessary to keep up said Toll Bridge, slough bridges and Road through the bottom of said creek, for twenty years.

Sec. 2. Said company shall keep said Toll Bridge or bridges and road through said bottom in good repair, under the super-

vision of the County Court of Navarro county, and shall be allowed to charge the following rates of Toll and no more, to-wit: For each head of sheep, goats or hogs, two cents; for each head of stock cattle, three cents; for each head of beef cattle or loose horses, four cents; for man and horse, ten cents; for horse and buggy, twenty-five cents; for a two-horse carriage or buggy, thirty-five cents; for a wagon and two horses or one yoke of oxen, twenty-five cents; for each additional pair of horses or oxen, ten cents; for each led horse, five cents; for each footman, five cents.

Sec. 3. That said company shall construct the said Turnpike from the timber and dirt of the said William M. Love's land, and shall not be permitted to prevent individuals from traveling any road, other than said Turnpike Road.

Sec. 4. That if any person shall wilfully fail or refuse to pay tolls after crossing the said bridge, he shall be liable to forfeit and pay to said company the sum of five dollars and costs of suit, recoverable before any Justice of the Peace as in other cases; and that this Act take effect from and after its passage.

Passed November 6, 1866.

CHAPTER CL.

An Act to incorporate the Officers and Members of Tyler Temple of Honor No. 8, of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That the officers and members of the "Tyler Temple of Honor," of the State of Texas, and their successors and future associates, be, and they are hereby created a body politic and corporate, by the name and style of the "Tyler Temple of Honor," number eight, of the State of Texas, and by that name shall be capable of acquiring, holding, selling and conveying property, real, personal and mixed; provided, the same shall not exceed in value, at any time, the sum of twenty thousand dollars; and they may establish and manage institutions of learning in the usual manner, and under such rules and regulations as they may think proper to make, not inconsistent with the Constitution and general laws of the State of Texas or of the United States.

Sec. 2. The said corporation may, by the name and style aforesaid, sue and be sued, plead and be impleaded, answer and

be answered, defend and be defended against all suits, actions, demands, pleas or complaints of any character whatsoever.

Sec. 3. That the said corporation may have a common seal, and change or alter the same at pleasure; may make, repeal or change by-laws for their government not inconsistent with the laws of the land, and shall, in general, have and exercise all rights, privileges and immunities by law incident to and commonly enjoyed by corporations of the like kind, for and during the term of twenty years.

Sec. 4. That in any suit or other proceedings against the said corporation, service or process, or of notice, or of any other papers, may be made by delivering to any officer of the corporation a copy thereof, duly certified, and the officer or other person serving the same shall state, in his return, the officer upon whom it was served, naming him.

Sec. 5. That any deed of conveyance, duly signed and executed by the officers of said corporation, in pursuance of a resolution authorizing the same, shall be deemed valid in law, and shall, in law, have the same force and effect as other like deeds of conveyance.

Sec. 6. That this Act take effect and be in force from and after its passage.

Passed November 6, 1866.

CHAPTER CLI.

An Act to incorporate the Chambers Creek Bridge Company, in Navarro County.

Section 1. Be it enacted by the Legislature of the State of Texas, That John W. O'Neal, J. M. Riggs, and their associates, all of Navarro county, and successors, be, and are hereby constituted and declared to be a body politic and corporate under the name and style of the "Chambers Creek Bridge Company."

Sec. 2. That the said persons, their associates and successors, under the name and style aforesaid, may sue and be sued, plead and be impleaded, defend and be defended in all Courts whatever in this State; may have a common seal.

Sec. 3. That the said J. W. O'Neal, J. M. Riggs, and their associates and successors, under the name and style aforesaid, shall be authorized to construct and keep up a toll-bridge and causeways, or mud bridge, through the bottom or low lands to

the high lands on either side of said creek, over Chambers creek, on the road from Corsicana to Porter's Bluff, where said road crosses Chambers creek; and for the construction and maintenance of said bridge and causeways, the said company is hereby authorized to use any timber that may be upon any of the public domain in a reasonable distance of said bridge.

Sec. 4. That said bridge and causeways must be completed within one year from and after the passage of this Act, otherwise this charter shall be null and void. The privileges granted in this charter shall cease from and after twenty years from the date of the passage hereof.

Sec. 5. That it shall be the duty of the said John W. O'Neal, J. M. Riggs, and their associates or successors, to open a road at least thirty feet wide, through the bottom or low ground on either side of said bridge to the high lands, and shall causeway the same.

Sec. 6. That said J. W. O'Neal, J. M. Riggs and company, shall be authorized to charge tolls; provided, the rates shall never exceed these charges, to-wit: For a road wagon with six horses or oxen, one dollar; for a wagon and four horses or oxen, seventy-five cents; for a two-horse wagon and yoke of oxen, fifty cents; for a buggy and two horses, fifty cents; with a buggy and one horse, twenty-five cents; man and horse, ten cents; loose stock, per head, three cents; hogs and sheep, two cents per head; provided, the following named persons shall, at all times, pass over said bridge free of charge, viz: Ministers of the Gospel going to and from church; persons going to and from church; jurors going to and from Court; mill-boys on horseback, and officers on official business; provided, that no person or persons shall erect a toll bridge across said creek within three miles of said bridge.

Sec. 7. That said J. W. O'Neal, J. M. Riggs, their associates and successors, are hereby required and bound to keep said bridge and causeways through said bottom in good repair; and should any accident or damage occur to persons or property in crossing the same, caused by the negligence of said corporation, they shall be responsible for the same.

Sec. 8. That said J. W. O'Neal, J. M. Riggs and (company,) be, and they are hereby authorized and empowered to collect all tolls herein named for the construction and keeping up said bridge and causeways; and that this Act be in force from and after its passage.

Approved November 6, 1866.

CHAPTER CLII.

An Act to incorporate the Young Men's Real Estate and Building Association.

Section 1. Be it enacted by the Legislature of the State of Texas, That James B. Cato, E. A. Bolmes, E. H. Gaylord, E. A. Herndon, W. D. Cleveland, W. R. Webb, R. Green, Jr., S. W. Sydnor, E. L. Hopkins and C. S. Marston, and their associates and successors, are hereby created and established a body corporate and politic, under the name and style of the "Young Men's Mutual Real Estate and Building Association," with capacity in said corporate name to make contracts; to hold, buy and sell property, both real and personal; to contract and execute leases; to take grants and gifts; to execute deeds, mortgages and deeds of trust; to have succession, and a common seal; to make by-laws for the government and regulation of its affairs; to sue and be sued; to plead and be impleaded; to declare dividends, and make divisions of property; to do and perform all such things as may be necessary and proper for or incident to the fulfillment of its obligations and maintenance of its rights under this Act, and consistent with Constitution and laws of the State; provided, that the operations of said association, as to the purchase or holding of real property, shall be restricted exclusively to and within the county of Harris.

Sec. 2. The officers and managers of this association shall consist of seven directors and one treasurer, to be elected by the shareholders. There shall be one President and one Vice President, to be chosen from and by the board of directors; and also one Secretary, to be selected by the directors from the shareholders. Such officers shall receive such compensation as the by-laws may provide, and their term of office shall be for one year, subject to removal in such manner as the by-laws may prescribe.

Sec. 3. The capital stock shall be sixty thousand (\$60,000.) dollars, with the power and privilege of increasing the same to three hundred thousand dollars.

Sec. 4. This association shall not own and possess, at any one time, real property in the State of Texas, exceeding in value one million dollars.

Sec. 5. The capital stock of sixty thousand dollars shall be divided into one hundred shares of six hundred dollars per share, payable in monthly instalments of ten (\$10) dollars per month.

Sec. 6. Any shareholder who fails, neglects or refuses to pay

or cause to be paid his regular monthly instalment, his stock shall be forfeited to the association; provided, however, that by and with the consent of the board of directors, for good cause shown, such delinquent may be allowed fifteen days to redeem stock thus forfeited.

Sec. 7. No person shall own more than one share of stock in this association, and the number of shares shall be one hundred; and in case any share of stock shall become forfeited in accordance with the foregoing provisions, the board of directors shall dispose of the same to the highest bidder, in such manner as the by-laws may direct.

Sec. 8. Whenever one hundred shares shall have been subscribed, and two months' instalments paid in, this association shall be deemed organized and competent to transact business under this charter, and be entitled to all the grants and privileges hereunder.

Sec. 9. Service of any and all legal proceedings, in any suit or proceeding against said company, shall be sufficient if made upon the President or Secretary of the board of directors.

Sec. 10. This Act or charter shall remain in full force and effect from and after the date of its passage, for and during the period of twenty years.

Approved November 6, 1866.

CHAPTER CLIII.

An Act for the relief of Charles Larbetrrier.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office, be, and he is hereby authorized and required to issue a certificate for six hundred and forty (640) acres of land, to Charles Larbetrrier, the same to be located and surveyed upon any of the unappropriated public domain of the State.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved November 6, 1866. .

CHAPTER CLIV.

An Act to amend the 6th section of an act to incorporate the Brazos Internal Improvement and Navigation Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sixth section of the act to incorporate the Brazos Internal Improvement and Navigation Company, shall be, and is hereby amended so as to read as follows: That the capital stock of this company shall be one million of dollars, divided into shares of one hundred dollars each, and that this charter shall continue in force for fifty years.

Approved November 6, 1866.

CHAPTER CLV.

An Act to incorporate the Sulphur Bridge and Turnpike Company

Section 1. Be it enacted by the Legislature of the State of Texas, That Isaac Evans and such other persons as he may associate with him, and their successors, be, and they are hereby created a body corporate and politic under the name and style of the Sulphur Bridge and Turnpike Company, which said company may have a corporate seal, which may be changed at pleasure, and may purchase and hold such property both real and personal, not to exceed in value fifty thousand dollars, and may sell and transfer or otherwise dispose of their joint or several interests in the same at pleasure, and said company may, in its corporate name, sue and be sued, plead and be impleaded, and do and suffer everything necessary and proper to be suffered or done, in order to carry out the object of this charter.

Sec. 2. That said company shall build and construct across the Sulphur Fork of Red River a substantial Bridge, and a Turnpike road and bridges, where necessary from such bridge across said Sulphur Fork, to the high land on either side of the same, that will at all stages of water, afford safe and speedy transit across said stream and the adjacent bottoms.

Sec. 3. That said Bridge and Turnpike shall be built, and constructed at the crossing on Sulphur known as "Becknell's" or "McCrury's crossing," or as near said crossing as may be practicable. That said company shall have the right of way,

from high land to high land, when said Bridge and Turnpike may be constructed, and may use any timber, or other building material in the vicinity of said Turnpike, that may be necessary to the construction of the same; provided, that compensation shall be made to the owners thereof.

Sec. 4. That the bridges herein authorized to be constructed, shall be at least twelve feet wide, and the turnpike shall be at least fifteen feet wide, and there shall be at least four places on said Turnpike, where wagons meeting may conveniently pass each other.

Sec. 5. That said company shall complete said Turnpike and necessary bridges, within three years from the passage of this act, unless prevented from working on the same by high water, otherwise this charter shall be forfeited; provided, that a certificate from the Police Court of either of the adjoining counties, that said company has been prevented from building said turnpike and bridges by reason of high water, shall be sufficient to prevent the forfeiture of this charter, for the length of time said company may be so delayed.

Sec. 6. That when the said turnpike and bridges are completed, four commissioners one to be appointed by the Police Courts of each of the counties of Red River, Lamar, Hopkins and Titus, who shall inspect said turnpike and bridges, and if they find the same built in compliance with this act, shall report the facts to the County Judge of Titus county.

Sec. 7. This charter unless sooner forfeited, shall continue in force for and during the period of forty years from the date of its passage, and said company shall be entitled to demand and receive toll from all persons passing over such turnpike and bridges at the rates hereinafter fixed, and for the purpose of collecting such tolls, such company may erect a toll gate on said turnpike; provided, a toll gate keeper, shall be constantly at such gate, so that persons may not be delayed.

Sec. 8. The following shall be the rates of toll at said turnpike: For each wagon and six horses or more, or three yoke of oxen or more, one dollar and fifty cents; for each wagon and four horses, or two yoke of oxen, one dollar and twenty-five cents; for each wagon and two horses, or one yoke of oxen, each ambulance, each carriage, each hack or other two horse vehicle, seventy-five cents; for each buggy and one horse, fifty cents; for each person and horse, twenty-five cents; for loose horses and cattle, five cents per head; for sheep, three cents per head; for hogs, two cents per head; for each person, ten cents. These charges to be in specie or its equivalent currency.

Sec. 9. That said company shall file a bond in the sum of five thousand dollars, in the County Clerk's office of Titus County, payable to, and to be approved by the County Judge of Titus county, and said County Judge may require new bonds from time to time, whenever he may deem the same necessary, the said bonds, to be conditioned that said Sulphur Bridge and Turnpike company, shall pay all damages that may be adjudged against said company on account of loss sustained by persons in crossing said turnpike and bridges. Said bond shall not be void on the first recovery, but may be sued on from time to time, in the name of any person injured, until the whole amount thereof is recovered.

Sec. 10. That after the completion of the said turnpike and bridges in accordance with the provisions of this act, there shall be no toll bridge erected across said stream, within five miles of the same.

Sec. 11. That this act take effect and be in force from and after its passage.

Approved November 6, 1866.

CHAPTER CLVI.

An Act to incorporate the Stovall Academy.

Section 1. Be it enacted by the Legislature of the State of Texas, That the following persons, viz: James S. Hanks, P. W. Ezell, L. H. Suggs, Z. H. Mills, James H. Warren, J. C. Boles, John Rhodes, Wm. S. Lester, J. J. Davis, Bennet Posey, L. Bryant, Franklin Rogers and R. H. Underwood, Trustees of an Institution known as the Stovall Academy, located about ten miles northeast of Palestine, in the county of Anderson, State of Texas, and their successors in office, are hereby declared to be a body corporate, under the name and style of the Board of Trustees of the Stovall Academy, and shall have power to sue and be sued, plead and be impleaded, to have and use a common seal, and to exercise all the powers and enjoy the privileges of similar bodies corporate.

Sec. 2. That the Board of Trustees of the Stovall Academy, as soon as practicable after the passage of this act, shall enlarge their body to the number of fifteen, and thereafter shall be empowered to fill from time to time all vacancies that may

occur in said Board by death, removal, resignation or otherwise.

Sec. 3. That said Stovall Academy is hereby declared to be a high school for the education of both sexes; and the Board of Trustees, and their successors in office, shall have full power to establish "Professorships," and in conjunction with the Faculty to grant diplomas or certificates of scholarship, and to confer such degrees as are usually conferred by institutions of like grade, and shall have and enjoy all the privileges and immunities of any similar institution in this State.

Sec. 4. That the Board of Trustees of Stovall Academy shall have power to frame a system of by-laws, rules and regulations for the government of said institute, Provided: they are not contrary to the laws and Constitution of the State of Texas, and alter and amend the same as it may seem most wise unto them, from time to time.

Sec. 5. That the Board of Trustees of Stovall Academy, and their successors in office, shall have full power to receive any gifts, grants, or donations, in lands, monies, goods and chattels, tenements or hereditaments, books, apparatus, fixtures or furniture; provided, it does not exceed one hundred thousand dollars in value, and to hold the same in trust for the sole benefit of the said institution.

Sec. 6. This Act shall take effect and be in force from and after its passage.

Approved November 6, 1866.

CHAPTER CLVII.

An Act to incorporate the El Paso Irrigation and Manufacturing Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That G. W. Garcia, M. S. Munson, Thomas Affleck, S. A. Maverick, H. S. Gillett, Hugh Stephenson and Geo. Hancock, and their associates be, and they hereby are incorporated and declared to be a body corporate and politic, under the name of "The El Paso Irrigation and Manufacturing Company," and under such name may transfer their rights, by succession, assignment and sale, and shall be persons in law, capable of suing and being sued, pleading and being impleaded, in all courts and

places; and that they and their successors, by the same name and style, shall be, in law, capable of holding and conveying any estate, real, personal and mixed; and doing and performing all things necessary for the business of said company, and not contrary to the Constitution and laws of this State; to have a corporate seal, with such devices as said company may select, and to alter the same at their pleasure.

Sec. 2. The objects of said company are declared to be to irrigate the Valley of the Rio Grande, from the line between Texas and New Mexico to the lower Southern line of El Paso county; to transport freight and passengers by canal, and to carry on various manufactures and other business and productive pursuits in said valley.

Sec. 3. The capital stock of said company shall be five hundred thousand dollars, with power to increase to one million of dollars, by a vote of a majority of the stockholders, divided into shares of one hundred dollars each, each share entitling the owner thereof to one vote, in person or by proxy.

Sec. 4. The management of the affairs of said company shall be conducted by a Board of Directors, and under such rules and regulations as the stockholders may determine at their first regular meeting. The said company may commence operations whenever two hundred shares of the capital stock shall have been subscribed.

Sec. 5. That a majority of said Board of Directors shall have power to pass all necessary resolutions, ordinances or by-laws for the regulation or government of said company in its business and contracts as are not in contravention of the Constitution and laws of the State.

Sec. 6. Shares of stock in said company may be paid for in lands lying within said valley, at such prices as may be agreed upon between the owners of said lands and the company.

Sec. 7. The company shall determine biennially the price per acre to be charged for the use of water for irrigation, as also the quantity per acre to be allowed to each applicant.

Sec. 8. The company shall have the right, in levying its rates of charge for the use of water for irrigation and other uses, to discriminate in that charge between those who shall have sold to the company in payment of its stock, and are then shareholders, at least one half of their lands in said valley susceptible of irrigation from the works of said company, and those who have not thus become stockholders by the sales to said company of said one-half of such lands: provided that the water furnished to persons who do not sell one-half their lands to said company

shall be furnished at a rate of not more than one-third more than the price demanded of persons who sell the company one-half of their lands.

Sec. 9. Said company, when it shall be organized as provided for in section four, shall have, and it is hereby invested with the right of locating, constructing, owning and maintaining canals, and branches of the same, for purposes of irrigation, navigation and manufacturing, commencing at any point or points on the Rio Grande that may best serve the purposes intended; and may at once locate and construct the same, with necessary dam or dams, flumes and aqueducts as said company may deem necessary for the purposes intended; provided, that said company shall not have the right to construct such dams and take away such an amount of water out of the Rio Grande River as will interfere with the operation of canal and mill powers now in operation on said river in El Paso county; and, further provided, that nothing herein granted shall be so construed as to interfere with the vested rights of any person or company that has heretofore been engaged in irrigating the locality embraced in this charter.

Sec. 10. Said company shall have the power to divert from the channel or bed of the Rio Grande one-fourth of all the water forming said river, and apply the same to purposes of irrigation and motive power, and for manufacturing and for navigation as contemplated in this Act.

Sec. 11. It shall be and is hereby made lawful for said company to enter upon and purchase, or otherwise to take and to hold any land necessary for the purpose of locating, constructing and maintaining the said canals and branches, and to give access to the works of said company; and if the said company shall not be able to obtain such land, by agreement of the owners thereof, they may still take possession of, hold and use the same for the aforesaid uses, and shall pay the owner thereof such compensation as shall be determined in the manner provided in the following section. The land so taken for the canal, or any of its branches, or for means of access to the works of said company, shall not exceed sixty yards in width.

Sec. 12. When said company and the owners of the lands thus required and taken by said company for the purposes aforesaid, cannot agree upon the value and price of such lands, the owner thereof may apply to the County Judge of the county in which said lands are situated, for the appointment of three freeholders to act as umpires between the parties, who, after being duly sworn, and having heard both parties, shall determine the

compensation to be awarded to the complainant; and shall make return of their award to said County Court, at its next regular term, to be by it confirmed, or may be set aside on sufficient reasons shown; if confirmed, judgment shall be rendered thereupon as in other cases; the right of appeal to (the) District Court being reserved to both parties; provided, however, that if pending said appeal said company shall deposit the amount of said judgment, in money, and shall execute and file with the County Clerk a bond, with securities, to be approved by the County Judge, conditioned that said company will pay such sum as shall be adjudged against said company on said appeal; then said company may appropriate said land and proceed with its work thereon. In determining the compensation to be assessed as aforesaid, the said umpires shall be governed by the actual value of the land at the time it was taken, together with whatever injury and damage may actually result, if any, to the adjoining land of the complainant, by the making of said canal and branches.

Sec. 13. Said company shall have the right to cross all public roads that they find it necessary to cross, in order to establish and maintain said canal, branches, flumes and wasteways; but they shall be required to make and to keep in good order and repair, good and substantial bridges on the same.

Sec. 14. Said company shall not permit, but shall use prompt means to prevent the formation of swamps, by the leakage or waste water from their canals or branches, or from their manufactories, injurious to the health of the adjoining country.

Sec. 15. Said company shall have the right to establish rates of toll and tonnage upon freights and passengers on said canal.

Sec. 16. Said company shall have the right to use, sell or otherwise dispose of manufacturing privileges on said canals and branches, and to lease, alienate or otherwise dispose of such water privileges for irrigating town lots and other lands, upon such terms as the parties interested may agree upon.

Sec. 17. Said company may, by a vote of a majority of the shareholders, issue certificates of paid-up stock in payment of any debts contracted for the construction of said canal and branches, factory buildings or other works.

Sec. 18. Any agreement in writing, whereby any person becomes a subscriber to the capital stock of said company, may be enforced according to its terms. Any shares of said stock, upon which any amounts remain unpaid, according to the terms of subscription, may be sold at auction, by order of the Directors, after giving ten days notice, as required in Sheriff's sales. the

sale to take place at the office of the company, and such shares, thus sold, shall be thus transferred to the purchaser; and if the proceeds of such sale shall not be sufficient to pay the amount due, with interest and charges, the delinquent subscriber shall be liable to the company for the deficiency; but if said proceeds exceed the amount due, with interest and charges, said delinquent subscriber shall be entitled to the excess.

Sec. 19. Said company may be dissolved by a vote of two-thirds of the issued stock; in which event, after the payment of all outstanding obligations, the lands and other possessions, held by the company shall be sold, at public auction, to be paid for in outstanding shares of the capital stock of the company, until all such outstanding shares shall have been redeemed; and if not thus sooner dissolved, all rights and franchises shall expire by limitation in ninety-nine years.

Sec. 20. Said company shall have its domicil in the town of El Paso.

Sec. 21. Said company shall commence the construction of their said canal within two years from the passage of this Act.

Sec. 22. That all laws and parts of laws coming in conflict with any of the provisions of this charter, are hereby repealed.

Sec. 23. Said company shall be a "limited liability company;" that is, no holder of the shares of its stock shall be held responsible for the debts or liabilities of said company beyond the amount and par value of the shares he holds.

Sec. 24. That this Act take effect and be in force from and after its passage.

Approved November 6, 1866.

CHAPTER CLVIII.

An Act incorporating the North Texas and Red River Oil, Salt, and Coal Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That S. H. Murray, George C. Cotlett, James M. Peery, Samuel E. Doss, Joseph Field, James Bowland, and their associates, be and they are hereby incorporated under the name and style of the North Texas and Red River Oil, Salt, and Coal Company, with power and authority as such to organize a company for the purpose of boring for Petroleum Oil, and the refin-

ing thereof, and the making of salt, and mining for coal in Grayson, Cook, Montague and Clay counties, State of Texas.

Sec. 2. That said company shall have the right to erect all necessary buildings, machinery, and improvements, that are necessary to the successful operations of the business for which said company is incorporated; and for the purpose of carrying out the objects of the incorporation, may buy, lease, and receive, by donation, all lands necessary for the operations of their business.

Sec. 3. That the capital stock of said company shall not exceed one million of dollars, and shall be divided into shares of one hundred dollars each, to be taken and subscribed, and such amount paid thereon at the time, and after subscription, as the board of directors of said company may prescribe, in accordance with the provisions of this act.

Sec. 4. That the corporate powers of said company shall be exercised by a board of directors, to be elected by the stockholders of said company, each share being entitled to one vote; the directors to elect a president of the board, and secretary and treasurer thereof. The company to be allowed to have a common seal, and all contracts and acts of the company, of an official character, shall be authenticated by the signatures of the president and secretary of the board of directors, with the impress of the seal thereon affixed; and said company may sue and be sued, answer and be answered, plead and be impleaded, in all matters and things appertaining to the business of such incorporation.

Sec. 5. That said company, upon the subscription of one hundred thousand dollars of the stock having been provided for, and upon the payment of two and a half per cent. of said stock, shall be authorized to commence business under this act. The subscription of said amount of stock, and the payment of the two and a half per cent. required, shall be entered upon the books of said company, and be duly certified to by the president and secretary thereof, under the seal of the company.

Sec. 6. The said company shall have the power to make by-laws, rules and regulations for the government of said company, and for the conducting and regulating of its business; provided, no stock shall be subscribed, or considered valid, until two and a half per cent. of the amount taken, be paid to the treasurer of said company.

Sec. 7. That for the purpose of organizing said company, the parties herein incorporated, and their associates, may select temporary officers, whose duties shall cease as soon as one hundred thousand dollars of the stock is subscribed, and the two and a

half per cent. paid thereon, as required, and the stockholders have elected the officers required under this act.

Sec. 8. That said company, as soon as its regular officers are elected, shall give notice thereof, in some public newspaper published within the district of their operations, as prescribed herein.

Sec. 9. That said company shall annually report to the Governor of the State the amount of the capital stock of said company, the amount paid thereon, the improvements erected by said company, and a complete statement of the business operation of the same, including the amount of oil, salt, and coal obtained.

Sec. 10. That the shareholders of said company shall be liable, out of their individual means, for debts contracted by said company, in their corporate capacity, to the amount of stock subscribed by them.

Sec. 11. That this act shall cease, and be of no effect, unless said company shall organize and proceed to business within two years; and after such organization, it may continue in force for twenty-five years, and no longer.

Approved November 6, 1866.

CHAPTER CLIX.

An Act for the relief of the Heirs of Jason Whitney, deceased.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office is hereby instructed to issue to the heirs of Jason Whitney, deceased, an unconditional certificate for (640) six hundred and forty acres of land, to be located on any vacant lands in the State, upon the delivery to said commissioner the conditional head-right issued to said Jason Whitney; provided, said commissioner shall find that said Whitney has never received the land named in said conditional certificate.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved November 6, 1866.

CHAPTER CLX.

An Act for the relief of the Heirs of Reddick P. Jackson.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the Land Office is hereby authorized to issue to the heirs of Reddick P. Jackson a certificate for six hundred and forty acres of land, being the quantity of land to which the said Jackson was entitled as a headright, and that this act take effect from and after its passage.

Approved November 7, 1866.

CHAPTER CLXI.

An Act granting six hundred and forty acres of Land to David L. Kokernot.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be required to issue to David L. Kokernot, a certificate for six hundred and forty acres of land, which certificate may be located, surveyed and patented upon any unappropriated public domain of the State.

Sec. 2. That all laws and parts of laws conflicting with this act are hereby repealed, and this act take effect and be in force from and after its passage.

Approved November 6, 1866.

CHAPTER CLXII .

An Act to incorporate the Central Transit Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That Duff Green, Luke Lea, Ira M. Camp, G. W. Carter, A. M. Branch, C. C. Herbert, R. C. Doom, J. H. Herndon, J. D. McAdoo, A. H. Phillips, N. P. Turner, J. S. Sellers, Wm. H. Wheelock and Pryor Lea, and their associates and successors shall be a body politic and corporate, by the name of "the Central Transit Company, and shall have all the usual incidents of such a corporation. until the termination of ninety-nine years.

to operate in the modes and for the purposes herein stated, the leading object being to facilitate the transit of persons, property and intelligence across the continent of America.

Sec. 2. The company may construct and maintain a primary railway between any point on or approaching the southeast coast of the gulf of California or the proximate coast of the main Pacific ocean, and the Mississippi river; and such railway may be connected with any other railway in Texas or Louisiana or Mexico either by extension to be made by direct action of this company, or as may be otherwise authorized by past, present, or future action of the respective governments of said counties; so that this company, either with or without co-operation as aforesaid, shall accomplish railway connection between the Pacific and Atlantic waters; provided, this company's primary railway shall not approach nor cross the Rio Grande above Eagle Pass, nor the Sabine river above the vicinity of Burkeville; and said primary railway shall be connected with the other railways on or near to its route on legal and proper terms, if the respective railway companies should so propose. Also this company may have a branch or branches of its primary railway in Mexico, if so authorized in that country; and the company may have more than one track of its railways, in whole or in part, at pleasure.

Sec. 3. As auxiliary to the railway enterprise of this company, it may cause telegraphs to be established and maintained along the general routes for its railway during, and after their construction, either by its own direct operation, or by contract with some other authorized company or companies.

Sec. 4. The company may cause to be established and maintained on the general routes of its railways, during their construction, and in connection with them, any necessary extent of lines for transportation by ordinary vehicles to promote the company's leading object; and such auxiliary transportation may be accomplished either by direct operation of this company, or by contract with some other competent company or companies.

Sec. 5. For attaining such principal and collateral objects the company shall have, in addition to special grants, all other kinds of right, privilege, and benefit, which have been or may be conferred on railway, telegraph, and transportation companies, respectively, by general laws of this State, subject to conditions, that have been or may be legally imposed. Also, this company may purchase from any other company its rights, privileges, and property as to the whole, or any part of a railway on the general routes for this company's railways, so far taking the place of such

other company, it being to the same extent relieved from its responsibility, without prejudice to its other interests. So all kinds of right, privilege, and benefit which this company may have in Texas under its laws, shall pertain to the company beyond this State, subject to the legitimate control of local regulations. So this company, in its organization, shall be capable of taking, holding, using, and enjoying any property, right, privilege or benefit, appropriate or conducive to its leading object, under the provisions of any treaty, law, decree, ordinance, or other governmental action, general or special, domestic or foreign, present or future; and any negotiation and contract therefor may be prosecuted and consummated in any suitable mode, consistent with law; but the foregoing shall not be construed to include banking, which is excluded; and any real property, thus acquired and not necessary for permanent use of the company, shall be sold, either by the company or by the government of the country, in which the property may be situated, according to the laws thereof, the net proceeds inuring to the use of the company. And so accountability of the company, in relation to its operations within Texas or upon its interests, shall be as that of other companies for facilitating the transit of persons, or property, or intelligence, respectively, under general laws of this State. And similar accountability as to interests out of Texas, in like manner, shall be subject to local legislation.

Sec. 6. Within six years from the date of this charter the company shall have made fifty miles of its primary railway; and within ten years from this date the company shall have made so much of its primary railway and of arrangements for co-operation, as aforesaid, as to have in practical operation railway connections between depots adjacent to the Sabine river and the Rio Grande, and between the primary railway and a depot convenient to some port of the gulf of Mexico, within this State; and, on failure of the company as to either of the foregoing requirements, this charter shall be subject to forfeiture in such mode as may be prescribed by the legislation of this State.

Sec. 7. The capital stock of the company will be personal property; and it shall consist of shares of one hundred dollars each; and it shall amount to one million of dollars for organization: surveys, and other preliminaries to the commencement of work on the primary railway; and the stock may be extended by subsequent issue, in the discretion of the company, to any amount not exceeding fifty millions of dollars; but certificates of paid stock shall not be issued for any larger amount than shall

have been actually received by the company, in specie or its equivalent.

Sec. 8. The original members of the company shall be directors until the reorganization herein provided for; and they may act in person or by proxy; and seven or more of them shall constitute a Board for the transaction of necessary business; which shall be to preserve the incipient organization and to prepare for a reorganization of the company in the following manner. In case of the death of an original member of the company, the Board shall elect and admit a successor. The first meeting of such directors is to be held at the Capitol in Washington, D. C., on the first day of the year, eighteen hundred and sixty-seven, A. D. There and then and subsequently, in the discretion of the Board as to times, places, and modes of its meetings and proceedings, it shall make arrangements for procuring subscriptions for stock, but with reasonable public notices for such subscriptions; and, when proper disposition shall have been made of sufficient stock for reorganization of the company, the Board shall apportion the subscriptions for stock and otherwise provide, so that the company shall be reorganized by the stockholders and thus prepared for further proceeding under this charter. But no subscription for stock shall be considered valid without actual payment of five per centum thereon, in specie or its equivalent, according to direction of the Board; nor shall the company be thus reorganized until one million of dollars of stock have been thus disposed of; and such reorganization must be made before the first day of the year eighteen hundred and sixty-nine, A. D., or the right therefor shall be terminated.

Sec. 9. From the proceeds of the sales of such stock, the original members shall have only reasonable remuneration for their services and expenses, respectively, in actual attention to the business confided to them as aforesaid.

Sec. 10. This act shall be in force from its passage.

Approved November 7, 1866.

CHAPTER CLXIII.

An Act for the relief of the heirs of James T. White, deceased.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be and he is hereby required to issue to the heirs of James T.

White, deceased, a certificate for one league and labor of land, it being the quantity to which the said James T. White was entitled by virtue of his emigration into the late Republic of Texas; provided, said James T. White, his heirs or assigns, have not already received the quantity of lands to which he was entitled under the late Republic or State of Texas.

Sec. 2. That this Act take effect and be in force from and after its passage.

Approved November 7, 1866.

CHAPTER CLXIV.

An Act to incorporate the Corpus Christi Canal Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That, for the purpose of completing, using and maintaining, in conformity with the laws of the State, the present ship channel through the mud-flats connecting Corpus Christi and Aransas Bay and Pass with the Gulf of Mexico, and to deepen and complete or to construct, excavate, use and maintain a canal across the said mud-flats, by way of and through Turtle Cove, in the direction of the U. S. lighthouse, or otherwise, as may be most practicable, so as to connect Corpus Christi with said Gulf; and a canal to connect said Corpus Christi Bay with the harbor of Brazos St. Iago or Point Isabel, through the Laguna Madre; and a canal to connect Aransas Bay with that in front of the town of Matagorda, through San Antonio and Espiritu Santu Bays, there be, and is hereby created a body corporate and politic, under the name and style of the Corpus Christi Canal Company, by which name said corporation shall have succession, with every power necessary and incident to the accomplishment of its chartered objects, and to fulfill the obligations and to maintain the rights of said corporation; to sue and be sued, complain and defend in any of the Courts of this State; to contract, buy, acquire, hold, receive, sell, convey, mortgage or deed-trust personal, real or mixed property; to borrow money on their bonds, with interest warrants and coupons attached, on the faith of this charter, or of all or any property held and owned by this corporation; to have and use a common seal—break and alter the same: to establish such by-laws, rules and regulations as may be necessary for the use, management,

protection and efficiency of the corporation, not inconsistent with or contrary to the Constitution and laws of this State.

Sec. 2. That the capital stock of the corporation shall be five hundred thousand dollars, with liberty to increase the same to a sum not exceeding one million five hundred thousand dollars, as may be required, from time to time, to meet increasing demands as improvements are progressing. Said stock shall be divided into shares of one hundred dollars each, entitling the holder to one vote in person or by proxy, and transferable in such manner as the by-laws of the corporation may direct, and shall be deemed personal property. Whenever one hundred and fifty thousand dollars of said stock has been subscribed, and ten per cent. thereon actually paid in, the corporation may commence business.

Sec. 3. That the affairs of the company shall be managed and controlled by a Board of Directors, not less than seven in number, to be elected by and from the stockholders, and to hold their offices for and during one year, or until others be elected in their place. The board shall choose one of their number to be President, who shall act as such during the term of said board. If a director or President ceases to be a stockholder, or other disability occur, or in case of vacancy by death, migration, absence, protracted sickness, other inability or neglect, the directors shall, at once, fill such vacancy, by appointment of a successor from among the stockholders; and the board being full, the President shall be elected by them for the unexpired term. The first election for directors shall take place on the first Monday of January, A. D. 1867, and on that day in each year thereafter during the continuance of the corporation, in the city of Corpus Christi, at which place the principal office of the corporation shall be located.

Sec. 4. That the Board of Directors shall have power to make all necessary by-laws to effect and carry out the purposes and provisions of this Act, and to manage the business of the corporation in all its departments; to appoint, remove and pay a Secretary, Treasurer, Superintendent and Engineer, and all such other officers, agents, servants and employees, as may be necessary, from time to time, and to establish and enforce rules and regulations for the guidance of all such officers and dependents. Three directors, with the President, shall form a quorum for the transaction of the business of said corporation. They shall cause to be kept accurate records of their proceedings and those of the company, and accurate books and accounts of the receipts and expenditures of the company, which shall be open

to inspection by the stockholders. All bonds, notes, mortgages, contracts, conveyances or bills of sale, in writing, executed by the President and countersigned by the Secretary, under the seal of the company, and in pursuance of a vote of the directors, or of a quorum, shall be valid and binding. They shall annually divide among the stockholders so much of the profits of the company, as, in their discretion, they shall deem safe; but no dividends of any of the profits shall be made unless the capital paid in remain unimpaired. They shall annually, during the month of June, cause a full and accurate statement of the affairs of the company to be made out, sworn to by the President and Secretary, and submitted to the inspection of the stockholders at their first subsequent meeting. They shall cause a book to be kept by the Secretary containing the name of all persons who are stockholders in said corporation, their places of residence, the number of shares of stock held by them respectively, and the time when they became respectively the owners of such shares, which book shall, at all times, be open to the inspection of the creditors and stockholders, at the place of business or office of said corporation, and shall be evidence of the right of any person to vote at any election of directors. Proof of ownership, to entitle a party to registry as a stockholder, shall be by the exhibit of the original certificate of stock, and if not in the hands of the first holder, then by exhibit of legal assignment thereof, or proof of ownership according to law.

Sec. 5. That a vote of the stockholders representing two-thirds of the stock, shall be sufficient, at any time, to remove any Board of Directors, and to appoint others in their stead; provided, that any meeting for such purpose shall only be convened by a notice to that effect, published for four weeks in a newspaper printed in the city of Corpus Christi, and which notice shall be signed by the owners of said two-thirds, or by their legal representatives.

Sec. 6. That said corporation shall have the right to locate the routes of the several canals herein designated, in such manner as, upon actual survey by competent engineers, may appear most judicious and conducive to the public interest, and for such objects may appropriate, use and hold, so much of the public lands as may be required for the constructing of each of said canals, as also so much as may be necessary for the work, embankments, &c., on either side of such canals, not to exceed one hundred yards on each side thereof, and that private lands may be appropriated in like manner as is done by railroads.

Sec. 7. That said corporation shall have power to levy,

receive and collect toll upon all steamers, vessels or other craft, and upon all freight passing through either of said canals, not to exceed, on the former, three cents per ton for each and every mile of canal used, and five cents for every four cubic feet of freight carried through the same, or at the rate of one-half of one cent for each and every mile of canal on each one hundred pounds of freight so carried, at the option of the corporation; provided, that all charges of tolls shall be made upon terms of equality to persons navigating said canals; and provided further, that nothing herein contained shall be construed to apply to vessels and freights passing through the Corpus Christi and Aransas Canal across the mud-flats, which is now in use; and also provided, that as to the other canals designated in the first section of this Act, they shall be, throughout their entire length, excavated and maintained, during the duration of this charter, to a depth of eight feet large in ordinary tides, and with a width of at least one hundred feet, and no tolls for the use of any of said canals shall be charged or levied until after due survey, by three disinterested and competent seamen or ship owners, for such purpose, appointed by the County Judge of Nueces county and the Mayor of the city of Corpus Christi, and thereupon a report of such surveys by said appointees, certified as true by them or a majority, shall have been filed with said Judge, certifying that such canal has been completed by the company to the extent and of the capacity required in the first section of this Act.

Sec. 8. That any vessel or craft using any of said canals, and refusing to pay the toll established, and which is properly chargeable upon the same, or the freight carried under the provisions of this charter, on each refusal shall be held liable to double the amount of the current rate of toll which should have been paid to said corporation; and the same shall operate as a lien and charge upon any such vessel or craft, and upon their freight, until the full payment thereof is made, to be enforced before any Court of competent jurisdiction.

Sec. 9. That said company shall complete the now existing canal across the mud-flats connecting Corpus Christi with Aransas Bay and Pass, before two years from the 22d of September, 1866, and shall commence the construction or deepening of the other designated routes within two years from the passage of this Act, and they shall fully complete the same within five years thereafter; and if they fail to do so, they shall forfeit their rights to the same, as conferred by this Act.

Sec. 10. That there be appropriated and donated to said

company, in aid of their enterprise, eight sections of land of 640 acres each, for each and every mile of the length of the canals actually constructed or deepened, in conformity with this Act, subject to the laws governing the surveying and locating of railroad certificates; and at the instance of said company, it shall be the duty of the Governor to appoint a competent engineer to examine and report upon said canals when completed; and upon the report being made of the completion of any one of said canals, the Commissioner of the General Land Office shall issue to said corporation the certificates for the quantity of land allowed, according to the length of the canal excavated and completed; provided always, that the provisions of this section shall not apply to the Corpus Christi and Aransas Canal across the mud-flats, which is now in use, but to be completed; provided, that nothing in this Act contained shall be so construed as to entitle the Corpus Christi Canal Company to receive any land from the State, or certificates therefor, except for such portions of said canals that may be constructed eight feet deep in shoal water; provided further, that the grant of land under this charter shall not extend to any portion of canals heretofore worked or dredged, and for which certificates of land have been issued, in accordance with the provisions of a previous charter donating lands to certain persons therein named, for the improvement of the channel between Corpus Christi and Aransas Pass, approved August 22, 1856, nor is anything herein contained to be so construed as to deprive said last named company of any acquired rights.

Sec. 11. That any property, real, personal or mixed, and any rights, privileges, franchises and immunities, at the discretion of the Board of Directors, may be taken and received in payment of subscriptions to stock of the corporation; provided, that the same have been first examined, appraised and valued, and report thereon, in writing, be made, by three disinterested and competent persons appointed for such purpose by said Board of Directors.

Sec. 12. That said corporation is authorized, if they deem it expedient, to purchase or acquire from the successors or assigns of Dean S. Howard, Somers Kinney, Daniel E. Watrous and John C. Riddle, all the rights, privileges, franchises and immunities heretofore in them vested, under and by virtue of an Act of the Legislature of the State, entitled "An Act to donate Lands to certain persons therein mentioned, for the improvement of the channel between Corpus Christi and Aransas Pass," approved August 22, 1856; or which vest in J. W. Vineyard, or his

assigns, as contractors and agents of the city of Corpus Christi; under and by virtue of an ordinance passed by the Mayor and Board of Aldermen thereof, in council convened, on the 22d day of September, 1866, under and by virtue of the powers and authority conferred upon said city, to remove the obstruction and open a channel through the said bars and mud-flats between Corpus Christi and Aransas Bays, according to an act of the Legislature of this State, approved February 11, 1854, entitled "An Act supplemental to an Act to incorporate the city of Corpus Christi," approved February 16, 1852; provided, however, that nothing herein contained shall exempt this corporation from the full and complete performance of all the requirements and stipulations contained in any of said vested Acts, or in said ordinances, as conditions precedent to the acquisition or securing the rights, privileges, franchises, and immunities in or by said acts and ordinances conferred—it being merely the intention, object and purpose of this section to enable the corporation hereby created to acquire and exercise, in their corporate capacity, the rights, privileges, franchises and immunities conferred by said vested acts and by said ordinance upon the parties therein named, and by such corporate acquisition and exercise of power facilitate the completion of the improvements already under said acts and said ordinance undertaken and progressing.

Sec. 13. That whenever said corporation shall have acquired all the rights, privileges, franchises, immunities and property, as contemplated by the preceding section and therein recited, they shall have power, at the discretion of the Board of Directors, to issue and dispose of their bonds to the extent of two hundred and fifty thousand dollars, with interest warrants and coupons attached thereto, to be predicated upon said rights, privileges, franchises, immunities and property; and upon the real estate said corporation may possess at the time said bonds are issued; and upon the revenues arising from tolls; and upon the bonds given by the city of Corpus Christi to aid in the construction of its ship channel or canal; and also upon all the rights, privileges, franchises, immunities and property, which the said corporation may otherwise possess at the time of the issue of their bonds. And for the purposes aforesaid, said corporation may convey to a trustee or trustees, to be named by the Board of Directors, when directing the issue of said bonds, in legal form, and in such manner as may be required, all or any of said rights, privileges, immunities, franchises and property, whether real, personal or mixed; and the said bonds with their interest coupons, may be in such form, and upon such terms and conditions, and

with such interest, not exceeding twelve per centum per annum, as said Board of Directors shall determine and designate.

Sec. 14. That the provisional organization of the said corporation, already effected, under which John M. Moore is President, and J. W. Vineyard, Chas. Lovenskiold, J. A. Richardson, Wm. Headen, George F. Moore and George E. Conklin, are directors, constituting the Board of Directors of the Corpus Christi Canal Company, shall be, and is hereby recognized as a legal and valid organization of said corporation; and in the said named persons, and in such as they may associate with them, and in their successors, are hereby vested all the rights, powers, privileges, franchises and immunities herein granted and conferred.

Sec. 15. That the Board of Directors, under such regulations as they may adopt, may appoint commissioners to receive subscriptions for the capital stock of said company, at such points and places as they select. The said commissioners shall open their books of subscription at such time and in such places as shall be appointed by the Board of Directors; and at the time of receiving a subscription for stock, they shall demand and receive, from each subscriber, at least five per centum on the amount of his or her subscription; and any agreement in writing, whereby any one shall become a subscriber for stock, may be enforced against him, according to the terms of such agreement. The balance of subscriptions remaining due the corporation shall be paid by the subscribers, from time to time, as the same may be assessed and required by the Board of Directors, in accordance with the provisions of the by-laws in force. If any subscriber fail to pay any such assessment or balance when required, his stock may be sold and conveyed by the corporation, under such rules and in such manner as may be prescribed by the by-laws; and all payments made shall be forfeited to the corporation. If the whole of the capital stock shall not be subscribed for at the time and place appointed, other subscriptions may, at any other time, or any other place, be received, until the whole capital stock shall have been subscribed, according to the requirements of the Board of Directors.

Sec. 16. That nothing herein contained shall be construed into enabling the said corporation to exercise banking privileges, nor to impairing, infringing upon, or abrogating and annulling any vested rights; and all the contemplated canal improvements herein authorized, shall be, at all times, subject to the inspection of such State Engineer as may hereafter be appointed or officiating, or of such officer as the Governor of the State may designate for such purpose.

Sec. 17. That this Act shall take effect from and after its passage, and shall remain in force for and during fifty years from and after the passage of this Act; and during said period of time, the rights and privileges, franchises and immunities, granted by this Act shall be exclusively invested in the President and directors hereinbefore named, their associates and successors; and no charter, act of incorporation or privileges, shall be granted, which, in any way, would or might impair said rights, privileges, franchises and immunities, but, at the expiration of this Act of incorporation, all of the herein designated canals, with all the improvements and appurtenances to the same belonging, or in way incident, shall belong to and appertain to the State of Texas.

Approved November 8, 1866.

CHAPTER CLXV.

An Act to incorporate the Neches Navigation Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That there shall be established a company under the name and style of the Neches Navigation Company, with a capital stock of one hundred thousand dollars, with the privilege of increasing it to two hundred thousand dollars, to be divided into shares of one hundred dollars each, for the purpose of improving and navigating the upper Neches river from the junction of the Neches and Angelina, in Tyler county, to Cannon's bridge in Cherokee county, if practicable, and said Company is hereby invested with the right to clear out said river and to construct dams, locks and canals in said river, necessary to render the same navigable; provided, that such dams, locks and canals shall not be constructed on any portion of said river that is now navigable without the aid of such improvements.

Sec. 2. Books shall be opened to receive subscriptions for said capital stock in the towns of Sumpter, Crockett, Rusk and Woodville, and elsewhere, and on such days and at such times and places as O. Teagarden, Y. W. Randolph and C. A. Teagarden of Trinity county; Thomas S. Dodson, Daniel Dailey, Wm. H. Cundiff and R. N. Read of Houston county; T. L. Philleo, R. F. Mitchell and William P. Brittain of Cherokee county, and H. C. Pedigo and S. A. Wilson of Tyler county, and Eli M. Thompson and J. Pat. Henry of Angelina county,

Commissioners herein named, may designate and appoint, and the said Commissioners shall be and are hereby authorized to receive subscriptions, to prescribe the terms of payment and to call the first meeting of the stockholders; provided, that no subscription for stock shall be valid, nor shall the same be received unless the subscriber shall pay to said Commissioners ten per cent. on the amount of each share at the time of subscribing.

Sec. 3. That the subscribers to said company, their successors and assigns, shall be and are hereby created a corporation under the name and style of the Neches Navigation Company, and under that name shall be capable to contract, to buy and receive all kinds of property, moveable and immoveable, that may be necessary to improve, dam, lock and canal said river, and to do and perform all such things as may be necessary and proper to carry on the business of said navigation, and to negotiate, sell, grant and dispose of any such property, borrow money on the faith of this charter, and to pledge such property, real or personal, for the payment of the same; to sue and be sued; to have a common seal, and establish such rules and regulations as they may think necessary and proper for the use and protection of the Company not contrary to the Constitution and laws of Texas.

Sec. 4. That for the management of said Company there shall be five Directors, who shall have power to draft by-laws and prescribe the manner in which the business of the Company shall be conducted, and who shall be annually elected by the qualified stockholders of the capital stock of said Company, by a plurality vote, every share being entitled to one vote and votes allowed by proxy; and that the first election shall be held at such time and place as the commissioners herein named may appoint; the said Directors shall have power to declare any stock of said Company forfeited to said Company on the failure of any subscriber to pay any instalment within ninety days after he shall have been served with a written or printed notice of the time and place at which such payment is required to be made, and all stock so forfeited shall be disposed of by said Directors for the use and benefit of said Company.

Sec. 5. That the Directors so elected shall elect a President from their own body, who, together with said Directors, shall serve as such until their successors are duly elected and qualified.

Sec. 6. That no one shall be eligible to the office of Director who is not the owner of at least ten shares of the capital stock of said Company and shall have held the same at least one month previous to the election.

Sec. 7. That said corporation shall have the power to appropriate such lands, timber and rock near said river as may be necessary for the use of the Company by compensating him or them for the same at their fair cash valuation, which (if the parties cannot agree,) shall be ascertained in the following manner: The Company shall present to the County Judge of the county in which such property may be situated, a petition designating the lands, timber, &c., which may be required by the Company, stating as near as may be the owners names, whereupon the said County Judge shall appoint a day not less than twenty nor more than thirty from the time of filing said petition, for the parties interested to appear before him to ascertain the value of said property, and he shall give twenty days notice by notices posted in three different public places in the county and on the day appointed by the County Judge, if the parties cannot then agree upon the valuation, he shall then proceed to hear testimony to determine and decide what compensation shall be paid by the Company to said owner, upon the payment of the amount to the owner or into the county treasury for his use, said property shall then be considered as condemned and appropriated to the use and benefit of the said Company, which shall pay the said Judge five dollars.

Sec. 8. That said Company shall have power to levy, receive and collect such tolls upon all steamboats or other small crafts, and upon all freights carried on said river or on such portions of it as may be made navigable by said Company, as may be determined upon by said Company, not to exceed twenty cents per ton for every hundred miles for said craft or vessel, and three-eighths of one cent per mile for every hundred pounds of freight carried on said steamboats or other crafts.

Sec. 9. That the said Company shall be and they are hereby authorized to receive donations of lots, lands and personal property to aid them in carrying into effect the objects of this charter, and sell the same as their interest may require.

Sec. 10. That the said Company shall be authorized to go into operation as soon as two thousand dollars of the capital stock shall have been paid in.

Sec. 11. That this corporation is hereby invested with all the rights and powers necessary to accomplish all the objects for which they are incorporated, but nothing in this act shall be so construed as to authorize them to exercise the banking privileges.

Sec. 12. That the said Neches Navigation Company shall receive from the State of Texas eight sections of land of six

hundred and forty acres each for every dam and lock they may put in said river in order to render it permanently navigable, but may collect tolls after they have cleared out the river and removed the overhanging timber making it navigable in high or common stages of water, which they shall commence within twelve months after the passage of this act, and have two years to complete the same up as far as Shook's Bluff in Cherokee county; provided, that the lands granted to said Company shall be subject to the laws regulating the surveying and locating of Railroad certificates.

Sec. 13. That this said Company shall have the benefit of said improvements for fifty years, and that this act take effect from and after its passage.

Sec. 14. That it shall be the privilege of said Company when they shall have completed a lock and dam in the manner aforesaid, to report that fact to the Governor of the State, whose duty it shall be to appoint a competent Engineer to examine said lock and dam carefully and report his examination to the Governor, and if it shall appear from said report that said work is done in a substantial and workmanlike manner, and will cause a beneficial improvement in the navigation of said river, then, and in that case, the Governor shall issue an order to the Commissioner of the General Land Office, requiring him to issue to said Company eight certificates for six hundred and forty acres of land each, for every lock and dam so completed, which said certificates may be located upon any unappropriated land belonging to the State. The land donated hereby shall be surveyed in alternate sections or half sections, and the alternate sections or half sections are reserved to the State; provided, that no certificates shall be issued in pursuance of the provisions of this act until the report required in this section shall be made by the Company to the Governor.

Sec. 15. That this Company may at every place in said river, where it is necessary to erect locks and dams, and where the land belongs to the State, have surveyed for the use of said Company a tract of land not exceeding eighty acres and return the field notes thereof with a certificate of the County Surveyor of the county in which said land may be situated, that it is made for the use and benefit of said Company, to the General Land Office; and upon the receipt of said certificate the Commissioner of said Office shall issue patents for the same to said Company.

Approved November 8, 1866.

CHAPTER CLXVI.

An Act to incorporate the Brownsville Levee Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That Charles Stillman, Samuel A. Belden, and William G. Hale, be, and they are hereby created, a body corporate and politic, with succession, under the name and style of the Brownsville Levee Company, and as such, and by that name, shall be capable of suing and being sued, contracting and being contracted with, in all matters whatsoever growing out of the business of said company, of holding and owning real, personal and mixed property, for the purposes of their business, and disposing of the same, for the benefit of said company, and may have and own a corporate seal, and may change or renew the same at pleasure, and the shares of said company shall be personal property.

Sec. 2. That said Levee shall be established on the bank of the Rio Grande, within the corporate limits of the city of Brownsville, in the county of Cameron; provided, that nothing in this act shall be so construed as to prevent the opening of the streets that run at right angles to the river, (or nearly so,) down to the margin of the river, free to the use of the public, wherever the said streets strike the margin of the river at the present time; and the said company shall have all the privileges and powers of a Levee Company, together with the additional privilege of levying such charges as are usually levied by wharf companies; provided, that they shall, in no instance, exceed the charges of similar kind made on the Galveston wharves.

Sec. 3. That the affairs of said company shall be under the control and management of a board of seven directors, each of whom shall be the owner of stock in said company to the value of one thousand dollars: a majority of said directors shall form a quorum for the transaction of business, and they shall be elected by a majority of all the stockholders, after the passage of this act, and regularly thereafter at their annual meetings, on the first Monday in April in each year, by a majority of the stockholders present; vacancies occurring in said board by resignation, death, or otherwise, may be temporarily filled by the remaining members thereof, until the next annual election shall take place. Should there be a failure to elect the directors at any of the times prescribed by this act, the corporation shall not be dissolved for that cause, but the board of directors, for the time being, shall continue in office until such election shall take place, and it shall be the duty of said board to call a meeting of the stock-

holders for that purpose at the earliest practicable and convenient period.

Sec. 4. That each stockholder, in all elections upon all questions occurring in a meeting of stockholders, shall be entitled to one vote for every share of stock he may hold in said company, and may vote in person or by proxy, and to form a quorum for the transaction of business, a majority of all the stock must be present or represented by proxy at the meeting.

Sec. 5. That the board of directors shall elect from their own number a President of the company, whose signature, with the seal of the company annexed, shall be good and binding upon it in all transaction with parties, and the service of any writ, notice, or other process of law, made upon the acting President, or if there be none, then upon any member of said board, shall be held a sufficient service upon said company. The said president and directors shall have power to adopt such rules, regulations, and by-laws, not in contravention with the Constitution and laws of this State, and to appoint all such subordinate officers as they may consider necessary for the proper management of the affairs of this company.

Sec. 6. That this company shall have a capital stock of one hundred thousand dollars, but nothing herein contained shall confer upon them banking privileges.

Sec. 7. That when the sum of twenty thousand dollars shall be expended by the said company in the establishment of the afore-said levee, with wharves attached, then, and not until then, shall they have power to collect the wharf charges referred to in the 3d section of this act; provided, that only two years shall be allowed for the completion of the work; and further provided, that at the expiration of ten years from its completion, the city of Brownsville may acquire all the property, rights and privileges of said company, by paying the amount of money actually expended in making said levee, without interest, and the value of the remaining property connected therewith and belonging to said company.

Sec. 8. That this act shall take effect and be in force from and after its passage, and shall continue for the period of thirty years.

Approved November 8, 1866.

CHAPTER CLXVII.

An Act to incorporate the Fredericksburg Action Mill Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That William Keidel, Charles H. Nimitz, F. Lochte, F. Wilke, H. Wilke, H. Kanels, F. Kiehne, and C. Weyrich, their associates and successors, are hereby created a body politic and corporate, under the name and style of the Fredericksburg Actien Mill Company, and by that name they may transfer their rights by assignment or succession, have a common seal, appoint agents, and make by-laws, to govern business of the company, sue and be sued, plead and be impleaded, purchase, hold and convey all such real and personal estate as may be necessary or proper in conducting the business of this charter, and to do and perform all such acts as may be essential or incident to the accomplishment of its object and maintainance of its rights under this act, and consistent with the Constitution.

Sec. 2. Said company is invested with the right and authority to own, erect, maintain, and operate, all necessary buildings and machinery for the manufacture of flour, meal, and such other articles from grain, and the performance of such other operations pertaining thereto, as said company may undertake in the county of Gillespie.

Sec. 3. The capital stock of said company shall be eight thousand dollars, to be divided into shares, as the company may determine, which capital stock may be at any time increased by said company to fifty thousand dollars.

Sec. 4. That this act take effect from and after its passage.

Approved November 8, 1866.

CHAPTER CLXVIII.

An Act supplementary to, and amendatory of an act entitled an act to incorporate the Jacksonville and Neches Bridge Company, approved January 26, 1860.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Jacksonville and Neches Bridge Company shall, in addition to the rights and privileges conferred in the act entitled an act to incorporate the Jacksonville and Neches Bridge Company, be, and are hereby authorized to make and con-

struct a turnpike across the bottom of the Neches river, on the west side of said river, on the Palestine and Jacksonville road.

Sec. 2. That the said Jacksonville and Neches Bridge Company shall construct said turnpike in a durable and substantial manner, above high water, so as to enable all persons, carriages, wagons and teams and stock, to pass over said turnpike from the highlands west of the river bottom to the bridge across the river with safety at all stages of water. Said turnpike to be completed within three years from the passage of this act, and to be kept in good repair for a period of forty years, from the 26th day of January, A. D. 1860.

Sec. 3. That section 2 of the above recited act, to which this is supplementary, is so amended as to read as follows: Section 2. That the said E. B. Ragsdall, and his associates, shall construct said bridge in a durable and substantial manner, within three years from the passage of this act, and shall keep the same in good repair, for all passengers, for the term of forty years, from the 26th day of January, A. D. 1860, and be ready at all times to pass all persons, carriages, wagons and teams and stock, that may wish to cross said bridge, and that no other toll-bridge shall be built or constructed within three miles of this bridge on said river.

Sec. 4. That section 6, of the above recited act, to which this is supplementary, is so amended as to read as follows: Section 6. That the counties of Cherokee and Anderson shall have the right to purchase said bridge and turnpike at any time, by paying the actual value to the owner for the same; and in case the parties cannot agree, the County Judge of the county shall file a petition for that purpose in the District Court of Cherokee county, and the court submit the question of the value of said bridge and turnpike to a jury, which question shall be tried like other causes in court, and upon the finding of the jury, the court shall render judgment, vesting the property in the county, upon the payment into court of the amount so found by the jury.

Sec. 5. That provided said company should not construct said turnpike within three years from the passage of this act, that said failure shall not interfere with the rights and privileges heretofore granted to the Jacksonville and Neches Bridge Company.

Sec. 6. That this act take effect and be in force from and after its passage.

Approved November 9, 1866.

CHAPTER CLXIX.

An Act to incorporate the town of Kaufman, in Kaufman County.

Section 1. Be it enacted by the Legislature of the State of Texas, That the citizens of the town of Kaufman, in Kaufman county, be, and they are hereby created a body politic and corporate, under the name and style of the corporation of the town of Kaufman, and by that name shall have power to sue and be sued, plead and be impleaded, and to hold and dispose of real and personal property; provided, such real property is situated within the limits of said Corporation.

Sec. 2. That it shall be the duty of the citizens of said Corporation, to elect a Mayor, five Aldermen, a Collector and a Constable; and a Treasurer and Secretary shall be selected by said Aldermen from their own body. The Treasurer and Collector shall be required to give bond with security, to be approved by the presiding officer, for the faithful performance of their duties, and to make reports when required by the Mayor or Board of Aldermen, and the Mayor shall have power, when necessary, to suppress riots and disturbances, and to call out the citizens of said Corporation for the purpose of restoring order; and the Collector also to act as Assessor, if so required by the Board of Aldermen.

Sec. 3. That the first election shall be held under the orders of the County Judge of said county, after having given ten days notice thereof, and annually thereafter under the directions of the Mayor, at least ten days before his term of office expires, and in case of death or resignation of any officer except Mayor, the vacancy or vacancies shall be filled by men elected as ordered by the Mayor, and in case the office of Mayor shall become vacant, then the Aldermen shall elect one of their own number to act as Mayor until the next annual election.

Sec. 4. That no person shall be eligible to any office under the provisions of this Charter, who is not a qualified elector of this State, and a resident within the limits of this Corporation, nor shall any person have a right to vote for officers, who is not a qualified elector, and resides within its limits.

Sec. 5. That the Mayor and Board of Aldermen shall have power to pass such rules and ordinances as may be necessary for the regulation of the Police, and the preservation of order within the corporate limits; to levy taxes for the removal of nuisances, and keeping the streets in good order, and to prescribe penalties

for the violation of the ordinances and by-laws of the Corporation; provided, that in no case such penalties shall exceed one hundred dollars.

Sec. 6. That the limits of said Corporation shall be one mile square, the Court House on the Public Square in said town of Kaufman, to be the center of said Corporation limits; and that the citizens who reside in said Corporation shall be exempt from road duty, except such as may be imposed upon them by the Board of Aldermen.

Sec. 7. That the Mayor, with a majority of the said Aldermen, shall constitute a quorum for the transaction of business, and shall enact and enforce such rules and regulations as they may deem necessary for the government of said Corporation; provided, that the same do not conflict with the Constitution and laws of this State.

Sec. 8. That this Act take effect and be in force from and after its passage.

Approved November 9, 1866.

CHAPTER CLXX.

An Act to authorize Perryman T. Black to construct a Bridge across White Oak, in Titus County.

Section 1. Be it enacted by the Legislature of the State of Texas, That Perryman T. Black, be, and he is hereby authorized to construct a bridge across the stream called White Oak, at a point known as Black's Bridge, in Titus county, on the road leading from Mount Pleasant to Clarksville, about nine miles north of Mount Pleasant.

Sec. 2. That said bridge shall be so constructed that it will be suitable, safe and convenient for the transportation of wagons, carriages and traveling generally, and he shall place and keep the bottom, from hill to hill, in good repair, and after the completion of the same, shall be entitled to collect from all persons passing over said road such charges as the Police Court of Titus county may direct.

Sec. 3. That said bridge shall be completed within twelve months after the passage of this Act, and the privileges hereby granted shall continue for the term of twenty-five years, unless sooner altered by the Legislature; provided, the said Black shall, after the completion of said bridge, keep the same, togeth-

er with the bottom, in good repair during that period, and shall be liable to any person for all damages that may be incurred from a violation of this section.

Sec. 4. That this Act take effect and be in force from and after its passage.

Approved November 9, 1866.

CHAPTER CLXXI.

An Act to incorporate the Georgetown Male and Female Academy.

Section 1. Be it enacted by the Legislature of the State of Texas, That Richard Sansom, Uriah H. Anderson, Cyrus Eubank, Frank L. Price, John J. Stubblefield, William K. Makemson, John T. Coffee and Elias W. Talbot, and their successors in office, be and they are hereby constituted a body corporate and politic, for educational purposes, by the name and style of the Georgetown Male and Female Academy, by which name they may sue and be sued, plead and be impleaded, have a common seal, and enact such by-laws, rules, and regulations for the government of said Academy as they may deem necessary, may have, hold, and enjoy or dispose of all property whatever, whether by bequest, donation or otherwise, for the benefit of the said Male and Female Academy, and to generally do and perform all acts needful and proper, for the promotion, prosperity and permanency of the said Academy. subject to the restrictions herein imposed by this Act.

Sec. 2. That the management and control of said Institution shall be vested in the above named persons and their successors as a Board of Trustees, and they shall elect one not of their own number to be Chairman of the Board; they shall also elect one Treasurer and one Secretary, and may award such pay for the services of the same as they may deem proper and just. The Chairman shall preside at the meetings of said Board and shall in no case be entitled to a vote except in case of a tie, and in his absence a Chairman pro tem may be appointed by said Board. The Treasurer shall be elected for one year, he shall keep a fair record of all monies, notes and papers of value, received and paid out by him, paying out the same by order of the Board of Trustees, signed by the President and countersigned by the Secretary, and make such reports from time to time to

said Board as may be required of him by their by-laws, and he may at any time be removed from office for dereliction of duty by a two-thirds vote of said Board of Trustees. The Secretary shall be elected for a term of three years, he shall attend all meetings of the Board, and shall keep a fair record of all their proceedings and resolutions, and of such by-laws and regulations as may be passed by them for the government of said Academy. That said Board of Trustees shall hold their office for a term of three years from the passage of this Act; a majority of said Board shall constitute a quorum for the transaction of all business, and they shall regulate their time of meeting.

Sec. 3. The subscribers of means to said Institution shall elect the successors to said Board of Trustees, as follows, to-wit: One Trustee from the Presbyterian denomination, one from the Cumberland Presbyterian denomination, one from the Christian or Disciples denomination, one from the Episcopal denomination, one from the Baptist denomination, one from the Methodist denomination, and two who are not members of any church; that said subscribers shall vote according to the amount subscribed and paid by them, allowing one vote for each twenty-five dollars so subscribed and paid, the Treasurers receipt being the only evidence required to entitle the party to vote; and where less amounts are subscribed and paid by different persons, amounting in the aggregate to twenty-five dollars, the persons so paying said amounts may appoint and instruct one of their number to cast their said vote, and in the event any vacancy should occur in said Board of Trustees, by death, resignation or otherwise, during the next twelve months from the passage of this Act: the person subscribing to said Institution and producing the Treasurer's receipt that they have paid all installments that may be due from them at the time of said election, shall be entitled to vote as above prescribed, and after the expiration of said twelve months, no person shall be entitled to a vote in filling vacancies or of electing new Boards of Trustees, except those who produce the evidence as above required, that they have paid the amount for which they claim to be entitled to vote, and said subscribers shall have the right to transfer any amounts that they may subscribe or pay to said Institution, to any person, together with all the rights, privileges and immunities ensuing therefrom.

Sec. 4. It shall be the duty of the Board of Trustees to order elections to fill all vacancies that may occur in the said Board, and to order elections for their successors, giving ten days notice thereof to the subscribers, as provided by their by-laws.

Sec. 5. Said Board of Trustees shall have the power to em-

ploy or elect one President, and as many Professors and Teachers in the Academy as the educational interest may require, and they shall assign to all persons so employed, their respective duties, and fix the salaries thereof, as well as the rates of tuition; they shall have power to appropriate any money in the Treasury, by virtue of the school fund or otherwise, to the payment of the salaries of such persons so employed by them, and said Board shall disregard anything of a sectional, sectarian or political character, in all affairs relating to this Academy, and in the selection of Teachers and all Officers of said Academy, they shall in all cases be governed purely by qualification; and said Board shall have power, by a two-thirds vote of its members, to sell and dispose of any property belonging to said Academy, except the land upon which said Academy may be located, the permanent buildings erected thereon and the books and apparatus used by said Academy; provided, that the proceeds of all such sales shall be used and applied to advance the educational interest of said Academy; said Board shall elect a suitable place for the erection of said Academy, not exceeding one-half mile from the public square in Georgetown, and said Board of Trustees are hereby empowered to receive subscriptions and donations, and to expend the same, first in the erection of substantial buildings necessary for said Institution, and to expend all means of which they may in anywise become possessed, in erecting, endowing and maintaining said Academy.

Sec. 6. That the President, Professors and Teachers of said Academy, shall be styled the Faculty of the Georgetown Male and Female Academy, and shall have power to enforce such rules and regulations as shall be determined upon by the Board of Trustees, for the government of said Academy, by punishing, rewarding, suspending or expelling such students as may be incorrigible; provided, the expelled or suspended student shall have the right of appeal and a new trial before the Board of Trustees; and provided further, that no punishment shall be inflicted upon any student except that which may be prescribed by the by-laws for said Academy as adopted by the Board of Trustees.

Sec. 7. That the Faculty, conjointly with the Board of Trustees, shall have power to confer such degrees in any department of learning upon the students of the Academy, or any other persons worthy thereof, as are usually conferred by other Academies and institutions of learning of the same grade, and to give certificates or diplomas signed by them, and sealed with the

common seal of the Board of Trustees, to authenticate and perpetuate such graduations.

Sec. 8. And that this Act take effect and be in force from and after its passage.

Approved November 9, 1866.

CHAPTER CLXXII.

An Act to incorporate the Austin Iron Mountain and El Paso Railroad Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That George W. Glascock, M. H. Bowers, W. C. Dalrymple, George Hancock, A. O. Cooly, G. N. Garcia, John Hancock and D. C. Barmore be, and they are hereby appointed commissioners to open books and receive subscriptions to the capital stock of a corporation, to be styled "The Austin Iron Mountain and El Paso Railroad Company." A majority of said Commissioners shall constitute a quorum to do business, and shall meet in the City of Austin, on the first Monday in January, 1867, or as soon thereafter as a majority thereof may agree upon; and they may appoint one or more of their own body, and such other agents as they may select, to open books, at such places as they may direct, to receive subscription for the stock of said company, and the said commissioners shall hold meetings from time to time as their business may require. In receiving subscriptions of said stock, they shall require five per centum thereof to be paid at the time of subscribing, whether to one of their own number, or to an agent appointed by them, and any subscription to said stock, upon which said five per cent is not paid, shall be void, and the party receiving the same, on the part the company, shall be responsible to it for said five per cent. upon said stock, provided, that certificates of said stock shall not be assignable until after the organization of said company.

Sec. 2. That the subscribers to said capital stock, whenever they shall have elected Directors in the manner hereinafter provided, shall be, and they are hereby created and established a body corporate and politic, under the name and style of the "Austin Iron Mountain and El Paso Railroad Company," with capacity in said corporate name to sue and be sued, to plead and be impleaded, to have succession and a common seal, to make contracts, to grant and receive, to make by-laws for its government, and for

the regulation of its affairs, and generally to do and perform all such acts and things as may be necessary and proper for, or incident to, the fulfillment of its obligations, or the maintenance of its rights under this Act, and consistent with the laws and Constitution of this State and the United States.

Sec. 3. The capital stock of said company shall not exceed fifteen millions of dollars, to be divided into shares of one hundred dollars each, each share entitling the owner thereof to one vote, either in person or by proxy, in all elections, and in other matters where the stockholders shall be called upon to vote, and a majority of the votes shall govern in all cases, where it is not otherwise provided by the laws of this State, regulating Railroad companies, by this charter, or the by-laws of said company; and the said shares of stock shall be deemed personal estate, and shall be transferable only on the books of the company, in such manner as may be provided by the by-laws.

Sec. 4. That the immediate direction and control of the affairs of said corporation shall be vested in a Board of not less than five, nor more than nine directors, as may be provided from time to time by the by-laws of the company. Said Directors shall be chosen by the stockholders at their annual meetings, which shall be held on the first Monday in January of each year, or as soon thereafter as practicable, they shall choose one of their own body to be President of said company; shall fill all vacancies in their Board, occasioned by death or resignation; appoint a Secretary, Treasurer, and such other officers and agents as they may think proper, and require bonds for the faithful performance of their duties; make all needful rules and regulations for holding meetings, and all other things they may deem proper for carrying out the provisions of this charter, and the business of this company. They shall keep, or cause to be kept, accurate books of account, exhibiting the receipts and expenditures of the company. A majority of the Directors shall constitute a quorum to do business, and shall have power of a full board, and all conveyances and contracts, in writing, signed by the President and countersigned by the Secretary, or any other officers duly authorized by the Board of Directors, under the seal of the company, when the same is in execution of an order of said board, shall be binding and valid.

Sec. 5. Said company, when it shall be organized under the provisions of the preceding sections of this Act, shall be, and is hereby invested with, the right of locating, constructing, owning and maintaining a Railway, commencing at the city of Austin, in Travis county, thence running on the nearest and most prac-

ticable route to an iron mountain, on or near Morgans Creek, in Burnet county; thence running on as direct a route as practicable to the neighborhood of Smoothing Iron Mountain, in Llano county; thence on as direct a route as practicable to the neighborhood of the Great Salt Lakes, at or near the Horse Head crossing on the Pecos River, and thence on as direct a route as practicable to El Paso on the Rio Grande River. And the said Austin Iron Mountain and El Paso Railroad Company may proceed to survey the said route, or any part thereof, and to locate the same, and to enter into contracts for its construction, all contracts being made by authority of an order of the Board of Directors, entered upon their record of proceedings.

Sec. 6. Said Austin Iron Mountain and El Paso Railroad Company, after its organization, in pursuance of the provisions of this Act, under the authority of the Board of Directors, shall have power to receive further subscriptions to the capital stock of said corporation, from time to time, until the whole amount shall have been subscribed; but five per cent. of all such subscriptions shall be paid at the time of subscribing, and the Directors shall be personally liable to said company for five per cent. of all such subscriptions as they may receive without such payment; provided, however, that said company may, by vote of a majority of the votes of stockholders, issue certificates of stock, to be issued in payment of any debt contracted for the construction or equipment of the road. Any agreement, in writing, whereby any person becomes a subscriber to said capital stock, may be enforced against him according to its terms; and if any subscriber shall fail to pay any amount due upon shares subscribed for by him, according to the terms of his subscription, the Directors may sell at auction, after giving twenty days notice as required in Sheriff's sales, the sale to take place in the county in which the company has its domicile, and transfer the shares of such delinquent to the purchaser; and if the proceeds of such sale shall not be sufficient to pay the amount due, with interest and charges, said delinquent shall be liable to the company for the deficiency: but if the proceeds shall exceed the amount due, with interest and charges, he shall be entitled to the excess.

Sec. 7. It shall be lawful for said company to enter upon and purchase, or otherwise take and hold any land necessary for the purpose of locating, constructing and maintaining said Railway, with all the necessary depots and other buildings connected with said Railway; and if they shall not be able to obtain such lands by agreement with the owners thereof, they shall pay such compensation as shall be determined in the manner provided in

the following section. The land so taken for the road-bed shall not exceed two hundred feet in width, and for depots and other buildings, only such further width as may be necessary.

Sec. 8. Any person, when his land has been taken as aforesaid, may apply to the County Judge of the county where the land is situated, for the appointment of three freeholders, and said County Judge shall thereupon appoint a time and place to hear the applicant and the company, to whom shall be given reasonable notice of such time and place, and said freeholders shall, after being sworn, and having heard the parties, determine the compensation to be paid to the applicant, and make return of their award to the next regular term of the County Court of said county, and said award may be confirmed, or upon sufficient reason, it may be set aside by said court; if it be confirmed, judgment shall be rendered thereupon as in other cases. In determining the compensation to be paid as aforesaid, the said freeholders shall be governed by the actual value of the land at the time it was taken, with the injury which results to the adjoining land of the applicant, by the establishment of said railway; provided, that if the party claiming the compensation before the County Judge shall have refused to take from the company the amount awarded by the said freeholders, or a greater sum, before his application to the County Judge, and this is proven; in that case, he shall pay the costs of the proceedings, otherwise the company shall pay the same.

Sec. 9. The said company shall have the right to charge such amount for the transportation of all produce and merchandize, or bulky freight, as the Directors may establish, not to exceed fifty cents per hundred pounds of freight for every hundred miles the same may be transported over said railway; and for all passengers over said Railway, the said company may charge such sum, not to exceed five cents per mile for each passenger, as said Directors may establish, and said company shall have the right to cross all public highways that they find it necessary to cross to establish and maintain said railway, but they shall be required to make such causeways over all public highways so crossed, as may be necessary for the convenient passage of the public, and if said road shall cross any navigable stream, it shall cross in such manner as not to impede navigation.

Sec. 10. The said Austin Iron Mountain and El Paso Railroad Company, shall have power to borrow money, and issue its bonds, with or without mortgage; provided, that the same be done in conformity to the laws of this State, this Act of Incorporation, and the by-laws of the company.

Sec. 11. The annual meetings of the stockholders of this company shall be held at the principal office of the company, on the first Monday in January of each year, which shall be a day for the transaction of business by the stockholders, each stockholder voting as before provided; at which time, the annual election of Directors shall take place. Should the stockholders owning a majority of the stock fail to meet on that day, the Directors may appoint another day for the said election, and an election on the day appointed shall be valid. Directors elected under the provisions hereof, shall hold office until the next annual meeting, and until their successors are chosen and qualified.

Sec. 12. This company shall be subject to all general laws now in force, or which may hereafter be in force, in regard to running over the road of one company by another, when the public interest, or the interest of commerce requires it, and are authorized to form a junction or connection with any other company or companies.

Sec. 13. The said company shall commence the construction of their said road within three years from the passage of this Act otherwise the rights and franchises herein granted shall be forever forfeited; and the said Austin Iron Mountain and El Paso Railroad Company shall complete, annually, after three years from the date of the passage of this Act, twenty-five miles of their said road until the whole is finished, otherwise they shall forfeit the right to construct said road over that portion of the route on which they shall have so failed to construct their road as aforesaid.

Sec. 14. This charter shall remain in full force and effect for fifty years from the completion of said railway; provided, the conditions set forth therein are fully complied with.

Sec. 15. This company shall be entitled to receive all such donations of land as are provided for the encouragement of Internal Improvements, by any general law of this State, upon the terms and conditions in such law prescribed.

Sec. 16. That this Act take effect and be in force from and after its passage.

Approved November 10, 1866.

CHAPTER CLXXIII.

An Act to re-incorporate the city of Galveston, and to grant a new charter to said city, and to repeal an act approved December 9th, A. D. 1863, entitled an act to repeal an act entitled an act to consolidate in one act, and to amend the several acts incorporating the city of Galveston, approved August 27th, 1856, and to grant a new charter of incorporation to said city.

TITLE 1.

General Powers and Boundaries.

Section 1. Be it enacted by the Legislature of the State of Texas, That all the free white inhabitants of the city of Galveston shall continue to be a body politic and corporate, with perpetual succession, by the name and style of "The City of Galveston;" and as such, they and their successors, by that name, shall have, exercise and enjoy, all the rights, immunities, powers, privileges and franchises, now possessed and enjoyed by said city, and herein granted and conferred, and shall be subject to all the duties and obligations now appertaining to or incumbent on said city as a corporation, and may ordain and establish such acts, laws, regulations and ordinances not inconsistent with the Constitution or laws of this State, as shall be needful for the government, interest, welfare and good order of said body politic, and under the same shall be known in law, and be capable of suing and being sued, impleading and being impleaded, answering and being answered unto, in all courts and places, and in all matters whatever. May take, hold, and purchase, lease, grant, and convey, such real and personal, or mixed property or estate, as the purposes of the corporation may require within or without the limits thereof, and may make, have and use a corporate seal, and change and renew the same at pleasure.

Sec. 2. That the limits of said city shall, for the present, be all that portion of territory lying between Seventh street on the east, and Forty-third street on the west, as known by Sandusky's map or plan of said city, and on the south its boundary shall extend half a mile into the waters of the Gulf of Mexico, between the streets aforesaid, and on the north, between said streets, shall extend over and embrace the waters of Galveston Bay, and include Pelican Island, and one mile north of said island, so as to extend the authority and jurisdiction, inclusive of said Pelican Island, over all of the area and territory aforesaid; provided, nev-

ertheless, that all the provisions of this act, and of all ordinances passed in pursuance thereof, applying or relating to the harbor or channel north of said city, and within its limits, shall extend and be in full force and effect over all that portion of Galveston Bay between the Island of Galveston, and a line drawn across said bay, east and west, at the distance of a mile north of the Island of Pelican aforesaid, until the same shall intersect the lines drawn north from the 7th and 43d streets aforesaid; and provided, further, that nothing herein contained shall extend the chartered limits of Galveston over any part of the channel known as Bolivar Channel, beyond the middle line of the same, or give to the city of Galveston any rights of property in, over, or to any portion of Bolivar Channel, or any jurisdiction whatever over the same, beyond said middle line, or to control the ingress, egress, or remaining of any vessel whatever, through or in the waters of Bolivar Channel, except so far as may be necessary to enforce quarantine regulations, which may be necessary to secure the health of the city of Galveston against the introduction or spreading of infectious or contagious diseases. Nor shall the city of Galveston have any authority whatever to control the sailing of any vessel through Bolivar Channel, or to control the anchorage of any vessel in said channel, nor to impose any tax or burden on any vessel using said Bolivar Channel; Provided, that when Bolivar Peninsula shall have a population of three hundred inhabitants, and become incorporated as a town or city, then the boundary of the city of Galveston on the east, and such town or city on said peninsula on the west, shall be midway of Bolivar Channel; and provided furthermore, that all writs and process issued by the Recorder, in case of a violation of any penal law of the State, or any breach or violation of any ordinance of the city may be obeyed, served and executed by the Marshal, or any of his deputies, and either of said officers may arrest any person charged with any offense as aforesaid, anywhere on the island of Galveston, or within the limits above defined; and provided, furthermore, that all the municipal regulations of said city shall apply to, extend, and be in full force, over the harbor and anchorage of Galveston, and to the bar, at the entrance of said harbor; and the corporate authority and jurisdiction, except to impose taxes, shall extend from the eastern boundary of said city over the east end of Galveston Island; and provided, further, that the said limits may be hereafter extended, including and adding more territory to the same, whensoever a majority of the inhabitants of said territory shall indicate a desire to be included within the limits of said city.

TITLE 2.

Officers and Their Election.

Sec. 3. The municipal government of the city shall consist of a City Council, composed of the Mayor and three Aldermen from each ward, a majority of whom shall constitute a quorum for the transaction of business, unless herein otherwise specified. The other officers of the corporation shall be a Recorder, Treasurer, an Assessor and Collector, a Clerk, a Marshal, and a Superintendent of Streets, and such other officers and agents as the city council may, from time to time, direct and appoint. The above named officers, (except the Mayor and Aldermen,) shall be elected by the City Council at their first annual meeting, or as soon thereafter as possible, (by ballot,) and shall hold their offices for one year, and until the election and qualification of their successors.

Sec. 4. An election shall be held in each of the wards of said city on the first Monday of March in each year, at such place as the city council may appoint, and of which ten days previous notice shall be given by publication in one or more newspapers of said city; said election shall be ordered by the city council or Mayor. For the purpose of holding said election, and others ordered, the city council shall appoint, annually, in April, or earlier, in each ward, some competent and suitable person, who shall be the presiding officer at all elections held in his ward. The presiding officer of each ward shall select two judges and two clerks, who, together with the presiding officer, shall be managers of elections. The presiding officer and judges must be qualified voters in their ward. The city council shall provide for their compensation, and by ordinance, regulate and define their powers and duties, and determine the hour of opening and closing the polls. The Mayor, whenever an election is ordered, shall give the required notice, and issue to the presiding officer a writ of election; and every published notice of election shall state the officer or officers to be elected: the place where the election will be held, and the name of the officer presiding thereat. In case the officer so appointed, is unable, fails, refuses or neglects to act, the Mayor shall make another appointment; and in case no appointed presiding officer appears, to open the polls, the qualified electors present may appoint such officer, who shall perform the same duties and shall have like power and authority to act as the first appointee; but in such case, the managers, in their returns, or otherwise, shall certify that the presiding officer failed to attend, or neglected, to act, and that the

person acting as such was duly chosen by the electors present.

Sec. 5. At the annual election, there shall be elected by the qualified voters of said city, voting by ballot, in their respective wards, a Mayor, who shall hold his office for one year from the date of his election, and until his successor shall be elected and qualified. At the first election held under this charter, there shall be elected by the same voters, voting in their respective wards, three Aldermen from each ward of the city. At the first meeting of the said board of Aldermen so elected, it shall proceed to divide, by lot, the three members from each ward, into three classes; and those of the first class shall hold their offices for one year; those of the second class, for two years, and those of the third class, for three years, and until their respective successors are duly elected and qualified, so that thereafter there shall be elected at each annual election of Mayor, one Alderman from each ward, who shall hold their offices for three years, and until their successors are elected and qualified. The person having the highest number of votes in the whole city for Mayor shall be declared elected, and the person receiving the highest number of votes cast in the wards respectively for Aldermen, shall be declared elected. If any Alderman remove from the ward represented by him, his office shall thereby become vacant. In case the person elected Mayor shall refuse to accept the office, the city council, Mayor, or acting Mayor, shall order another election; and in case of vacancy in the office of Mayor, by death, resignation, removal, or otherwise, it shall be filled for the remainder of the term by a new election to be ordered by the acting Mayor or city council: and in case of a vacancy in the board of Aldermen, by a refusal to accept, or to qualify, or by death, resignation, removal, or otherwise, the Mayor, or acting Mayor, or city council, shall order a new election in the ward or wards in which any such vacancy may occur, to fill the residue of the unexpired term: and all special elections shall be conducted in the same manner as is herein provided for the annual election: provided, that in special elections, five days notice thereof shall be deemed sufficient. Where two or three Aldermen are to be elected in a ward, at any election, the candidate receiving the highest number of votes, shall be declared elected for the longest term. The candidate receiving the next highest number of votes, shall be declared elected for the next longest term; and the candidate receiving the next highest number of votes, shall be declared elected for the shortest term.

Sec. 6. The manner of conducting and voting at elections to be held under this act, and contesting the same, the keeping of

the poll lists, canvassing of the votes, and certifying the returns, shall be the same, as nearly as may be, as is now or may hereafter be provided by law, as at general State elections; provided, the city council shall have full power and authority to regulate elections, and to pass all ordinances in relation thereto, which they may deem proper and necessary, and to prescribe what action shall be had in the event of there being no annual election or a failure to elect the officers, or any of them, for which any election was ordered. The voting shall be by ballot, and the presiding officer and managers shall take the same oath and shall have the same power and authority as managers of general State elections. After closing the polls, the ballots shall be counted in the manner required by law, and the returns, including the ballots, shall be returned, sealed, to the city clerk, within three days after the election; and within five days from any election, the city council shall meet and canvass the same, and declare the result of the election. It shall be the duty of the city clerk to notify all persons elected or appointed to office, of their election or appointment; and unless such persons shall respectively qualify within five days thereafter, the offices shall become vacant. The city council elect shall meet at the usual place of meeting at 4 o'clock, p. m., on the second Wednesday after the first Monday of March, or as soon thereafter as possible, and be installed under the provisions of this act.

Sec. 7. That every free white male person, not disqualified by law, who shall have attained the age of twenty-one years, and be entitled to vote for members of the Legislature of this State, and shall have resided within the limits of the said city for twelve months next preceding the election, and who shall have been an actual resident of the ward in which he votes, for ten days, shall be entitled to vote for Mayor and Aldermen of the said city; provided, nevertheless, that no person belonging to the regular army or navy of the United States shall be so entitled.

Sec. 8. The managers of elections shall be sworn to well and truly conduct the election without partiality or prejudice, and agreeably to law, according to the best of their skill and understanding, which oath shall be administered by the Mayor or Recorder of the city, or any Justice of the Peace. The presiding officer and judges thus qualified, shall have power to administer all oaths necessary in the performance of their official duties. When any person offering to vote shall be objected to by any one qualified to vote at such election, the managers shall examine him upon oath, touching the points objected to, and if he

fail establishing his qualification to their satisfaction, his vote shall be rejected; provided, the voter shall be deemed a resident of the ward in which he is accustomed to lodge.

Sec. 9. Whenever it so happens in any election that there is a tie between two or more candidates for the same office, all of whom cannot be elected, the city council or Mayor shall declare such election void, as between such candidates only, and immediately order a new election for that office, first giving not less than five days notice thereof.

Sec. 10. In the event of a failure to meet on the part of the city council to examine the election returns, and declare the result, the Mayor shall discharge that duty; and in case of failure or omission on the part of both the city council or Mayor to perform said duty, the managers shall make out duplicate returns of the said election, and having certified, sealed and enveloped the same, as before, shall transmit them to the Chief Justice of the county, who shall forthwith proceed to determine the election, and deliver certificates of the same, under his hand and official seal, to the persons elected, in the same manner as the city council or Mayor should have done.

Sec. 11. No person shall be eligible to the office of Mayor, Recorder or Alderman of said city, unless, in addition to his being qualified to be a voter therein, he own real estate within the limits of said city to the value of three thousand dollars, (including the improvements,) free from incumbrance.

TITLE 3.

Powers and Duties of Officers.

Sec. 12. Every person elected by the voters of said city to fill any office, or by the city council, under this act, shall, before he enters on the duties of his office, take and subscribe the official oath prescribed in the Constitution of this State; and the city council may, by ordinance, require such additional oath to secure faithfulness in the performance of duties by such officers as they may deem proper.

Sec. 13. The Mayor of the city shall be taken and deemed to be ex-officio Chief of Police within said city, and as such he shall maintain peace and good order, and for that purpose shall have the same authority to call out the power of the county and the military, as is given or may be given by law to sheriffs of counties. He shall be the chief executive officer of said corporation, and shall be vigilant and active at all times in causing the

laws and ordinances for the government of said city to be duly executed and put in force; to inspect the conduct of all subordinate officers in the government thereof, and as far as may be in his power to cause all negligence, carelessness and positive violations of duty, to be duly prosecuted and punished. He shall have power, whenever in his judgment the good of said city may require it, to summon meetings of the city council, and he shall from time to time communicate to that body all such information, and recommend all such measures as may tend to the improvement of the finances, the police, health, security, cleanliness, comfort, ornament, and good government of said city.

Sec. 14. That whenever the Mayor shall deem it necessary, in order to enforce the laws of the city, or to avert danger, or protect life or property in case of riot, or any outbreak or calamity, or public disturbance, or when he has reason to fear any serious violation of law or order, or any other danger to said city, or the inhabitants thereof, he shall summon into service, as a special police force, all, or as many of the citizens as in his judgment and discretion may be necessary and proper, and such summons may be by proclamation, or order addressed to the citizens generally, or those of any ward of the city, or subdivision thereof, or such summons may be by personal notification. Such special police, while in service, shall be subject to the orders of the Mayor; shall perform such duties as he may require, and shall have the same power while on duty as the regular police of said city; and any person so summoned, and failing to obey, or appearing, and failing to perform any duty that may be required by this act, shall be fined in a sum not exceeding one hundred dollars.

Sec. 15. The Mayor shall preside over the meetings of the city council, but shall have no vote, unless there be a tie, in which case he shall give the casting vote. He shall have like power with a Justice of the Peace, to administer oaths of office, and also all other oaths and affirmations and to give certificates thereof. He shall possess and execute, in the city, in criminal cases, all the powers and duties of a Justice of the Peace. He shall be compensated for his services by a salary to be fixed by the city council, payable at stated periods, and shall receive such fees as may be allowed by law. He shall have power to dismiss and discharge any member of the police, (except the City Marshal,) and to remove or suspend any officer holding an office created by any ordinance of the city, until the cause of such removal or suspension can be acted on by the city council, and may fill, by appointment, any vacancy so occasioned. He shall have

authority, in case of a riot, or any unlawful assembly, or to preserve peace and good order in said city, to order and enforce the closing of any theatre, ball-room, grog-shop, tippling-house, bar-room, or other place of resort or public room, or building, and may order the arrest of any person in his presence violating the laws of the State, or any ordinance of the city, and he shall perform such other duties, and possess and exercise such other power and authority, as may be prescribed and conferred by the city council.

Sec. 16. In case of a vacancy in the office of Mayor, or of his being unable to perform the duties of his office, by reason of temporary or continued absence, or sickness, the city council shall appoint, by ballot, by a majority of all the members present, one of their number, to preside over their meetings, whose official designation shall be Acting Mayor, and the Aldermen so appointed, shall be vested with all the powers and perform all the duties of Mayor of the city, until the Mayor shall resume the duties of his office, or the vacancy be filled by a new election.

Sec. 17. All ordinances and resolutions shall, before they take effect, be placed in the office of the City Clerk; and if the Mayor approve thereof, he shall sign the same, and such as he shall not sign, he shall return to the City Council, with his objections thereto. Upon the return of any ordinance or resolution by the Mayor, the vote by which the same was passed shall be reconsidered; and if, after such reconsideration, two-thirds of all the Aldermen elected agree to pass the same, it shall be in force; and if the Mayor shall neglect to approve, or object to any such proceedings, for a longer period than three days after the same shall be placed in the Clerk's office, as aforesaid, the same shall go into effect.

Sec. 18. That the Recorder of said city shall be the Chief Judicial Magistrate thereof, and as such shall hold a Court within said city, by the name of the Recorder's Court of the city of Galveston, which said Court shall have jurisdiction and cognizance of all misdemeanors, breaches of the peace, infractions of the ordinances, and all other causes arising under the laws of said city, and shall be deemed always open for the trial of said cases. The said Court shall have full power, authority and jurisdiction, in all cases arising under the ordinances of said corporation, and for any breaches and violations thereof, and of any and all persons thus offending; and to try and determine all suits, actions and complaints, charging a violation of any ordinance of said city, and may grant new trials, on motion in writing shewing sufficient cause and duly sworn to. The Recorder may

require of any person arrested under the provisions of this act a bond for his or her good behavior, and to keep the peace, with two good and sufficient sureties, which bond shall be payable to the city of Galveston. He shall have full power and authority to issue subpoenas for witnesses, and to compel their attendance by process of attachment. He may punish all contempts by fine and imprisonment, or either; may issue subpoenas, (writs of) *capias*, warrants of arrest, search warrants, executions, and all other process known to the law which a Justice of the Peace of this State may lawfully issue, and all of said writs and process shall be issued, served and executed, under the same forms and in the same manner as the like process would be when issued by a Justice of the Peace, unless herein otherwise provided. He shall also have full power and authority to administer official oaths, and all other oaths or affirmations, and give certificates thereof. The Recorder shall be *ex officio* Justice of the Peace, and he shall possess and execute, in the city, in criminal cases, all the powers and duties of such officer, and shall have the same authority and like powers with Justices of the Peace in the prevention and suppression of crime; provided, that in no case shall he entertain jurisdiction in civil suits. The said Recorder shall hold his office for one year, and until his successor is elected and qualified. The City Council may determine what costs shall be charged in proceedings in and for all process issued in said Court, and shall allow the Judge thereof for his services a salary, payable at stated periods; and the Recorder shall perform such other duties as may be prescribed by any ordinance of said corporation that may properly and lawfully be required of said officer as the Judge of said Court, and not inconsistent with the laws and Constitution of this State.

Sec. 19. The City Marshal shall, either in person or by deputy, attend upon the Recorder's Court while said Court is in session, and shall promptly and faithfully execute all writs and process issued from said Court. He shall also attend all general and special meetings of the City Council. He shall be the chief police officer of the city under the Mayor. He shall have like power with the Sheriff of the county to execute the writ of search-warrant. He shall be active in quelling riots, disorders and disturbances of the peace within the limits of said city, and shall take into custody all persons so offending against the peace of the community, and he shall have authority to take suitable and sufficient bail for the appearance before the Recorder's Court of any person charged with an offence against the ordinances or laws of the city. It shall be his duty to arrest all violators of

the public peace, and all persons who shall obstruct or interfere with him in the execution of the duties of his office, or who shall be guilty of any disorderly conduct or disturbances whatsoever. To prevent a breach of the peace, or to preserve quiet and good order, he shall have authority to close any theatre, bar room, ball room, drinking house, or any other place or building of public resort; and in the prevention and suppression of crime, and arrest of offenders, he shall have, possess and execute like power, authority and jurisdiction as the Sheriff of a county, under the laws of the State. He may appoint one or more deputies, who shall have the same powers and perform the same duties as the Marshal. He shall receive a salary, to be fixed by the City Council, and shall receive the same fees as the Sheriff of the county does by law for like services. The City Marshal shall give such bond for the faithful performance of his duties as the City Council may require, and he shall perform such other duties, and possess such other powers, rights and authority, as the City Council may by ordinance require and confer, not inconsistent with the Constitution and laws of this State.

Sec. 20. The powers and duties of the Street Commissioner, and the salary for his services, shall be prescribed by resolution or ordinance of the City Council.

Sec. 21. That it shall be the duty of the City Clerk to attend every meeting of the City Council, and keep accurate minutes of the proceedings thereof, in a book to be provided for that purpose—engross and enroll all laws, resolutions and ordinances of the said City Council; to keep the corporate seal; to take charge of, preserve and keep in order all the books, records, papers, documents and files of said Council; to countersign all commissions issued to the city officers and licenses issued by the Mayor, and to keep a record or register thereof, and to make out all notices required under any regulation or ordinance of the city. He shall draw all warrants on the Treasurer, and countersign the same, and keep an accurate account thereof in a book to be provided for the purpose. He shall also be Clerk of the Recorder's Court, and shall have custody of all books and papers belonging to said Court. He shall make out all process and writs, and enter upon a docket all complaints for violations or infractions of city ordinances before the Recorder, and his judgment or sentence therein. He shall have power and authority to administer all oaths and affirmations, and as Clerk (of) said Court, shall be entitled to such fees as are allowed the Clerk of the District Court for like services. The City Clerk shall be the general accountant of the corporation, and shall keep in books

regular accounts of all receipts and disbursements for the city, and separately, under proper heads, each cause of receipt and disbursement, and also accounts with each person, including officers who have money transactions with the city, crediting amounts allowed by proper authority, and charging each with all warrants drawn in his favor, and specifying the particular transaction to which such entries apply. He shall also keep a register of bonds and bills issued by the city, and of all evidence of debt due and payable to it, noting the particulars thereof, and of all facts connected therewith as they occur. He shall carefully keep all contracts made by the city, and he shall do and perform all such other duties as may be required of him by any law, ordinance, resolution or order of the City Council. He shall receive for his services an annual salary, payable at stated periods, and such additional fees as may be allowed by the City Council.

Sec. 22. The Treasurer for said city shall give bond in favor of the city of Galveston, in such amount as may be required by the City Council, and with sufficient securities, conditioned for the faithful discharge of his duties. He shall receive and securely keep all moneys belonging to the city, and make all payments for the same upon the order of the Mayor, attested by the Clerk and the seal of said corporation. He shall keep regular and correct accounts of their real, personal and mixed property, and shall render a full and correct statement of his receipts and payments to the City Council, at their first regular meeting in every quarter, and whensoever at other times he may be required by them so to do; and at the end of every half year shall cause to be published, at the expense of the city, a statement showing the amount of receipts and expenditures for the six months next preceding, and the general condition of the Treasury, and shall do and perform such other acts and duties as the City Council may require, and for his services shall receive such compensation as shall be fixed by the City Council.

Sec. 23. That the Assessor and Collector of the city shall make up the assessments of all the property taxed by the city, and collect the taxes of every kind, except the license tax, as the same shall become due and payable; and in the event of non-payment of any taxes, shall proceed to sell property to raise the amount of taxes so due; and shall, in the performance of his duties, observe the provisions of this act and the ordinances of the city relating thereto, and the assessment and collection of taxes. He shall give bond in such amount as the City Council may provide, with good and sufficient sureties, and the City Council may require a new bond whenever, in their opinion, the

existing bond is insufficient; and whenever such new bond is required, he shall perform no official act until said bond shall be given and approved. He shall, at the expiration of every month, pay to the Treasurer all monies by him collected, and shall report to the City Council, at the first meeting of that body in every quarter, all monies so collected and paid; and he shall perform all such other duties, and in such manner, and according to such rules and regulations as the City Council may prescribe. He shall receive such fees and commissions for his services as may be allowed by this act and the ordinances of the City Council.

Sec. 24. The city council shall have power, from time to time, to require further and other duties of all officers whose duties are herein prescribed, and to define and prescribe the powers and duties of all officers appointed or elected to any office under this act whose duties are not herein specifically mentioned, and fix their compensation. They may also require bonds to be given to the said corporation by all officers for the faithful performance of their duties. The city council shall provide for filling vacancies in all offices not herein provided for, and in all cases of vacancy the same shall be filled only for the unexpired term.

TITLE 4.

Of the City Council—Its General Powers and Duties.

Sec. 25. The Mayor and Aldermen shall constitute the city council of said city. The city council shall meet at such times and places as they shall by resolution direct. The Mayor, when present, shall preside at all meetings of the city council, and shall have, in all cases, a casting vote, except in elections. In his absence, any one of the Aldermen may be appointed to preside.

Sec. 26. The city council shall hold stated meetings, and the Mayor, of his own motion, or on the application of three Aldermen, may call special meetings by notice to each of the members of said council, served personally or left at their usual place of abode. Petitions and remonstrances may be presented to the council in writing only, and the council shall determine the rules of its own proceedings, and be the judge of the election and qualifications of its own members, and have power to compel the attendance of absent members, and punish them for disorderly conduct, and with the concurrence of two-thirds of the members elected, may expel a member.

Sec. 27. The city council shall have the management and control of the finances and all other property, real, personal and mixed, belonging to the corporation, and shall likewise have power within the jurisdiction of the city, by ordinance,

1st. To remove and prevent all obstructions in the bay and channel thereof within said city and the limits heretofore mentioned, and to improve and preserve the navigation thereof, and to erect, repair and regulate wharves, and to regulate the rates of wharfage; provided, the provisions of this clause relating to wharves shall apply only to property owned or controlled by the city.

2d. To borrow money on the credit of the city, and issue the bonds of the city therefor; but no sum of money shall be borrowed at a higher rate of interest than the rate allowed by law. All bonds shall specify for what purpose they were issued, and shall not be invalid if sold for less than their par value.

3d. To appropriate money, and to provide for the payment of the debts and expenses of the city.

4th. To make regulations to prevent the introduction of contagious diseases into the city; to make quarantine laws for that purpose, and to enforce them within the city and within ten miles thereof.

5th. To collect harbor dues from all steamships, ships, vessels and other craft arriving within the harbor of Galveston from any port or place without the limits of this State, regulating the amount of said dues by the tonnage of said vessels, or otherwise, as they may determine.

6th. To provide the city with water; to make, regulate and establish public wells, pumps and cisterns, hydrants and reservoirs in the streets or elsewhere within said city, or beyond the limits thereof, for the extinguishment of fires and the convenience of the inhabitants, and to prevent the unnecessary waste of water.

7th. To have the exclusive control and power over the streets, alleys and public grounds and highways of the city, and to abate and remove encroachments or obstructions thereon; to open, alter, widen, extend, establish, regulate, grade, re-grade, clean or otherwise improve the same, to put drains and sewers therein, and to prevent the encumbering thereof in any manner, and to protect the same from any encroachment or injury: provided, that when the owners of all the lots in a block shall so desire and agree to the same in writing, they shall have the right and power to close the alley belonging to such block against public use, but shall gain only the exclusive right of user, and no right

of property to such alley; and the same may be opened to public use whenever any lot owner in a block not bound by any previous unexpired agreement, shall so desire; and when the entire block is owned by a single individual or corporation, such individual or corporation may close the alley and keep the same closed so long as he or they may be the owner of the entire block.

8th. To establish, erect, construct, regulate, and keep in repair bridges, culverts and sewers, sidewalks and crossways, and to regulate the construction and use of the same, and to abate and punish any obstructions or encroachments thereon.

9th. To provide for lighting the streets and erecting lamp-posts and lamps therein, and regulate the lighting thereof, and from time to time create, alter or extend lamp districts; to exclusively regulate, direct and control the laying and repairing the gas pipes and gas fixtures in the streets, alleys, sidewalks and elsewhere.

10th. To establish and erect markets and market houses, designate, control and regulate market places and privileges, prohibit and punish the opening or establishment of private markets, and inspect and determine the mode of inspection of meat, fish, vegetables and all produce, and every article and thing therein brought for sale, and to require the hides and skins of all animals slaughtered for sale thereat, to be brought to said market or market place, or such other place as to be directed by the Mayor or city council, that the marks and brands thereof may be examined by the city marshal or other officer appointed for that purpose.

11th. To provide for the inclosing, regulating and improving all public grounds and cemeteries belonging to the city, and to direct and regulate the planting and preserving of ornamental and shade trees in the streets, sidewalks or public grounds.

12th. To erect and establish one or more hospitals, and control and regulate the same, regulate or prohibit and punish the establishment of private hospitals.

13th. To regulate the carrying of weapons, and prevent the carrying of the same concealed.

14th. To prevent the encumbering of the streets, alleys, sidewalks and public grounds with carriages, wagons, carts, hacks, buggies, or any vehicle whatever, boxes, lumber, timber, firewood, posts, awnings, signs or any other substance or material whatever, or in any other manner whatever; to compel all persons to keep all weeds, filth, and any kind of rubbish from the sidewalks and streets, gutters in front of the premises occupied

by them, to require and compel the owners of property to fill up, grade, shell and otherwise improve the sidewalks in front of and adjoining their property.

15th. To license, tax and regulate merchants, commission merchants, hotel and inn keepers, drinking houses or saloons, bar rooms, beer saloons, and all places or establishments where intoxicating or fermented liquors are sold, brokers, money brokers, real estate agents, insurance brokers, insurance agents and auctioneers. To license, tax and regulate, suppress and prohibit hawkers, peddlers, pawn brokers and keepers of theatrical or other exhibitions, shows and amusements.

16th. To license, tax, regulate or prohibit theatres, circuses, the exhibitions of common showmen, and of shows of every kind, and the exhibition of natural or artificial curiosities, caravans, menageries and musical exhibitions and performances.

17th. To license, tax and regulate hackmen, draymen, omnibus drivers and drivers of baggage wagons, porters and all others pursuing like occupations with or without vehicles, and prescribe their compensation, and provide for their protection, and make it a misdemeanor for any person to attempt to defraud them of any legal charge for services rendered, and to regulate, license and restrain runners for steamboats, railroads, stages and public houses.

18th. To license, tax and regulate billiard tables, pin alleys, ball alleys, to suppress and restrain disorderly houses, tippling shops and groceries, bawdy houses, houses of prostitution or assignation, gambling and gambling houses, lotteries and all fraudulent devices and practices.

19th. To authorize the proper officers of the city to grant and issue licenses, and to direct the manner of issuing and registering thereof, and the fees and charges to be paid therefor. No license shall be issued for a longer period than one year, and shall not be assignable except by permission of the city council, and no more than one hundred dollars shall be charged for any license under this act, except circuses, menageries and public showmen, in which cases the amount of license shall be established by the city council.

20th. To restrain, regulate and prohibit the selling or giving away of any intoxicating or malt liquors by any person within the city except by persons duly licensed; to forbid and punish the selling or giving away of any intoxicating or malt liquors to any minor, apprentice, servant or habitual drunkard.

21st. To prevent, restrain and punish engrossing, forestalling, and regrating. To regulate the inspection and vending of fresh

meats, poultry, fish, vegetables, butter, lard and other provisions; and the place and manner of selling fish and inspecting the same.

22nd. To make such rules and regulations in relation to butchers as they may deem necessary and proper.

23d. To establish standard weights and measures to be used within the city in all cases not otherwise provided for by law. To require all traders and dealers in merchandise or property of any description which is sold by weight or measure, to cause their measures and weights to be tested and sealed by the city sealer, and be subject to his inspection. The standard of such weights and measures shall be conformable to those established by law.

24th. To regulate and provide for the inspection and measuring of lumber, shingles, timber, posts and all kinds of building materials; and for measuring all kinds of mechanical work, and to appoint one or more inspectors or measurers thereof. Exclusively to provide for the inspection and weighing of hay, lime, stone coal, and the manner and places of selling the same. To regulate the measurement of fire-wood, charcoal and other fuel to be used or sold within the city, and the place and manner of selling the same.

25th. To regulate the inspection of beef, pork, flour, meal, salt, and other provisions, whiskey and other liquors to be sold in barrels, hogsheads and other vessels or packages; to appoint weighers, gaugers and inspectors, and prescribe their duties and regulate their fees.

26th. To regulate the weight and quality of bread to be sold or used within the city.

27th. To create, establish and regulate the police of the city, to appoint watchmen, and policemen and prescribe their duties and powers, giving to the Mayor the right of nomination of said watchmen and policemen.

28th. To prevent and suppress any riot, rout, affray, noise, disturbance or disorderly assembly, in any public or private place within the city.

29th. To prevent, prohibit and suppress horse-racing, immoderate riding or driving in the streets, to prohibit and punish the abuse of animals, to compel persons to fasten their horses or other animals attached to vehicles or otherwise, while standing or remaining in the streets.

30th. To restrain and punish vagrants, mendicants, street beggars and prostitutes.

31st. To establish and regulate public pounds and to regulate the running at large of horses, mules, cattle and sheep, to regu-

late, restrain and prohibit the running at large of swine, goats and geese, and to authorize the distraining, impounding and sale of the same for the costs of the proceeding and the penalty incurred, and to impose penalties on the owners thereof for a violation of any ordinance in relation thereto.

32d. To tax, regulate, retrain, and prohibit the running at large of dogs, and to authorize their destruction when at large, contrary to ordinance, and to impose penalties on the owners or keepers thereof.

33d. To prohibit and restrain the rolling of hoops, flying of kites, firing of fire-crackers or use of any pyrotechnic or any other amusement or practices tending to annoy persons passing in the streets or side-walks, or to frighten horses or teams; to restrain and prohibit the ringing of bells, blowing of horns or bugies, crying of goods, and all other noises, practices and performances tending to the collecting of persons on the streets and side walks by auctioneers and others, for the purpose of business, amusement or otherwise.

34th. To abate all nuisances which may injure or affect the public health or comfort in any manner they may deem expedient.

35th. To do all acts and make all regulations which may be necessary or expedient for the promotion of health or the suppression of disease.

36th. To compel the owner or occupant of any grocery, soap, tallow or chandler establishment, or blacksmith shop, tannery, stable, slaughter-house, distillery, brewery, sewer, privy or other unwholesome or nauseous house or place, to cleanse, remove or abate the same as may be necessary for the health, comfort and convenience of the inhabitants.

37th. To direct the location and regulate the management and construction of breweries, tanneries, blacksmith shops, foundries, livery stables and any manufacturing establishment; to direct the location and regulate the management and construction of, and restrain, abate and prohibit, within the city, slaughtering establishments and hide houses, or establishments for keeping or curing hides, establishments for making soap, for steaming or rendering lard, tallow, offal and such other substances as may be rendered, and all other establishments or places where any nauseous, offensive or unwholesome business may be carried on.

38th. To regulate the burial of the dead; to purchase, establish and regulate one or more cemeteries; to regulate the registration of deaths, to direct the returning and keeping of bills of

mortality, and impose penalties on physicians, sextons and others, for any default in the premises.

39th. To regulate and determine the times and places of bathing and swimming in the waters within said city, and to prevent any obscene or indecent exhibition, exposure or conduct.

40th. To abate and remove nuisances and punish the authors thereof by penalties, fine and imprisonment, and to define and declare what shall be nuisances, and authorize and direct the summary abatement thereof.

41st. To erect and establish one or more work-houses or houses of correction, make all necessary rules and regulations therefor, and appoint all necessary keepers or assistants. In such work-house or house of correction, may be confined all vagrants, stragglers, idle, suspicious and disorderly persons who may be committed thereto by the Mayor or Recorder; and any person who shall fail or neglect to pay the fine, penalty or costs imposed for any misdemeanor or breach of any ordinance of the city, may, instead of being committed to jail be kept therein subject to labor and confinement.

42d. To compel and force all offenders against any ordinance of the city, found guilty by the Recorder and sentenced to fine and imprisonment to labor on the streets and alleys of said city, or on any public work, under such regulations as may by ordinance be established.

43d. To prevent all boxing matches, sparring exhibitions, cock and dog fighting, and punish all persons thus offending.

44th. To prevent all trespasses, breaches of the peace and good order, assaults, assaults and batteries, fighting, quarrelling, using abusive and insulting language, misdemeanors and all disorderly conduct, and punish all persons thus offending.

45th. To prevent and punish the keeping of houses of prostitution within the city, or within such limits therein as may by ordinance be defined, and to adopt summary measures for the removal or suppression of all such establishments.

46th. To require the owner, agent or occupant of any ground, lots, yards, private drains, sinks and privies, to fill up, cleanse, drain, alter, relay, repair, fix and improve the same as may be ordered by the Mayor, or any resolution or ordinance of said city; and in the event of any failure, neglect or refusal to comply with any such order, the party so failing shall be liable to fine and imprisonment. In the event of there being no person in the city on whom such order can be served, the city may have such work done and such improvement made on account of the owner thereof, and all costs, charges and expenses shall be a lien on the

property, on the filing of a memorandum thereof by the Mayor under the seal of the corporation, and recording the same with the clerk of the county court, and the city may enforce said lien and institute suit in the corporate name, and obtain judgment against said party for the amount so due as aforesaid, in any court having jurisdiction.

47th. To direct and control the laying and construction of railroad tracks, turn-outs and switches, or prohibit the same in the streets, avenues and alleys, and the location of depot grounds within the city, to require that railroad tracks, turn-outs and switches shall be so constructed and laid as to interfere as little as possible with the ordinary travel and use of the streets, avenues and alleys, and that sufficient space shall be left on either side of said tracks for the safe and convenient passage of teams, carriages and other vehicles and persons. To require railroad companies to keep in repair the streets, avenues or alleys through which their track may run, and if ordered by the city council to light the same and to construct and keep in repair suitable crossings at the intersection of streets, avenues and alleys and ditches, sewers and culverts, when the city council shall deem necessary. To direct the use and regulate the speed of locomotive engines within said city, or prevent and prohibit the use or running of the same within the city.

48th. Exclusively to prevent, control and regulate everything connected with city railroads, and to make such rules and regulations for the same as the city council may deem necessary.

49th. To preserve the harbor, dredge out, widen and deepen the channel of said harbor, and prevent any use of the same, or any act in relation thereto inconsistent with the public health, or calculated to render the waters of the same, or any part thereof, impure or offensive, or tending in any degree to fill up or obstruct the same, to prevent and punish the casting, throwing or depositing therein any earth, stone, shell or other substance, filth, logs or floating matter, to prevent and remove all obstructions therein, and to punish the authors thereof; to prevent, prohibit and punish the erection of wharves in the channel, or their extension therein, to regulate and prescribe the mode and speed of entering and leaving the harbor, and of coming to and departing from the wharves by steamboats and other crafts and vessels, and the disposition of the sails, yards, anchors and appurtenances thereof while entering, leaving or abiding in the harbor, and to regulate and prescribe by such ordinances such a location of every steamboat, steamship, or other craft, ship, vessel, barge, boat or float, and such changes of station and use of the harbor as may be nec-

essary to promote order therein, and the safety and equal convenience as near as may be, of all such steamboats, steamships, other craft, ship, vessel, barge, boat or float, and may impose penalties and imprisonment for any offense against such ordinance, and may appoint one or more harbor masters to carry out the powers herein granted, and to report to the recorder any violations of such ordinances.

50th. To license and regulate ferries.

51st. To prevent any person from bringing, depositing or having within the limits of said city, any dead carcass or any other offensive or unwholesome substance or matter, and to require the removal or destruction by any person who shall have placed or caused to be placed upon or near his premises, or elsewhere, any such substances or matter, filth or any putrid or unsound beef, pork or fish, hides or skins of any kind, and on his default, to authorize the removal or destruction thereof by some officer of the city, and to require the owner of any dead animal to remove the same to such place as may be designated.

52d. To prevent, regulate and control the driving of cattle, horses and all other animals into or through the city.

53d. The city council shall have power to pass, publish, amend and repeal all ordinances, rules and police regulations not contrary to the Constitution of this State, for the good government, peace and order of the city and the trade and commerce thereof that may be necessary or proper to carry into effect the powers vested by this act in the corporation, the city government or any department or officer thereof; to enforce the observance of all such rules, ordinances and police regulations, and to punish violations thereof by fines, penalties and imprisonment in the city prison, work-house or house of correction, or both in the discretion of the court before whom conviction may be had; but no fine or penalty shall exceed two hundred dollars, nor the imprisonment more than three months for any offense unless a larger fine and longer period of imprisonment is herein allowed, and for any fine, penalty and costs imposed by the Recorder in the trial of any cause or complaint before him, execution may issue to collect such fine and costs to be levied and executed in the same manner that executions are from the District Court. The same shall be issued by the city clerk under the corporate seal to the city marshal, who in levying on property and selling shall have like power and authority as the sheriff of the county in executions issued from the District Court. And the laws of the State so far as applicable shall apply to and be in full force and effect as to executions issued from the Recorder's Court, and

the city marshal in executing the same; any person upon whom any fine or penalty is imposed may be committed until the payment of the same with costs, and in default thereof may be imprisoned in the city prison or work-house, or house of correction or be required to labor on the streets or other public work of the city for such time and in such manner as may be provided by ordinance; provided such imprisonment shall not exceed three months, unless a longer period is herein allowed.

TITLE 5.

OF TAXATION.

Sec. 28. The city council shall have power within the city by ordinance to annually levy and collect taxes not exceeding two per cent on the assessed value of all real and personal estate and property in the city, made taxable by the laws of the State.

Sec. 29. To annually levy and collect a poll tax (not to exceed one dollar) of every male inhabitant of said city who has resided therein six months previous to the assessment of said tax.

Sec. 30. To annually assess, levy and collect an income tax of one per cent. except in such amount as may be by this act or some ordinance of the city exempt.

Sec. 31. That the city council shall have power to levy and collect taxes commonly known as licenses upon trades, professions, callings and other business carried on, and upon carriages, hacks, coaches, buggies, drays, carts, wagons and other vehicles used in said city and whether the same are for public or private use. That each and every person and firm engaged in the following trades, professions, callings and business among others shall be liable to pay such license tax, but this enumeration shall not be construed to deprive the city council of the right and power to levy and collect other license taxes and from other persons and firms under the general authority herein granted.

Every merchant in said city and every person and firm engaged in selling goods, wares or merchandise; every person and firm selling liquors in quantities over a quart, every person or firm keeping a grog-shop, tippling house, bar-room or drinking saloon; every person or firm keeping a place where spiritous liquors, wines, cordials or beer is sold in quantities less than one quart; every person or firm keeping a billiard table, ball alley or nine or ten pin alley or any similar game; every person or firm keeping a tavern, hotel or boarding-house; every person or

firm keeping a restaurant, eating-house, oyster shop, oyster saloon, or place of any description where eatables or refreshments are furnished; every person or firm keeping a Livery Stable or stables; every person or firm selling goods, wares or merchandise at public auction; every person or firm pursuing the occupation of a real estate broker or agent, merchandise or cotton broker, commission merchant or any commission business; every person or firm pursuing the occupation of hawker or pedlar of goods or any articles whatever; every person or firm keeping a brewery, beer shop or distillery; every person or firm keeping any storage warehouse, or engaged in compressing or repressing cotton, keeping an intelligence office, each and every Insurance Company shall also be liable to pay said city such license tax, and each and every Insurance agent, each Insurance Company, not chartered in this State, but doing business, and having an agent in said city, shall likewise be subject to said license tax, and such agent shall be held responsible therefor, and for each association, corporation or company for which he is agent. That each and every person or firm selling goods, wares or merchandise within said city by the sample card, or other specimen, or by a written, printed or trade list, or catalogue, shall also be subject to and pay said license tax; provided, this last provision shall not apply to merchants doing business within said city, and duly licensed, that each and every person or firm keeping a lumber, wood or coal-yard, or any place for the sale of the articles aforesaid, or building materials shall be subject to said license tax, and all other persons from whom the city council may require said tax under the authority in this act granted; provided, nothing herein contained, shall in any wise prevent or restrain the city council from collecting the license, and any license tax hereinbefore provided for by this act. Each establishment shall be liable to said license tax; and any person or firm pursuing different occupations, business, avocations, or callings subject to said tax shall pay on each, and no license shall extend to more than one establishment, or include more than one occupation, avocation, business or calling.

Sec. 32. The city council shall have power to provide by ordinance, for the assessing and collecting of the taxes aforesaid and determine when taxes shall be paid by corporations, and when by the individual corporators; provided, no tax shall be levied unless by consent of two-thirds of the aldermen elected.

Sec. 33. The license tax shall be collected by the city marshal, and shall be paid to that officer by each and every person or firm owing such license, and before engaging in any trade.

profession, business, calling, avocation or occupation subject to said tax; that if any person shall engage in any business, calling, avocation or occupation which by an ordinance of said city is subject to a license tax, without first having obtained said license he, she, or they shall be liable to fine and imprisonment, and for each day such violation of said ordinance may continue, and this section shall apply to all persons owing any license, and failing to pay the same; said taxes commonly known as licenses laid as herein provided, shall not be construed to be a tax on property within the meaning of section twenty-eight or any other section of this act.

Sec. 34. That the term real estate or property as used in this act shall be construed to include lots, lands and all buildings or machinery and structures of every kind erected upon or affixed to the same.

Sec. 35. That the term personal estate or property as used in this act, shall be construed to include all household furniture, moneys, goods, capital, chattels, all ships, steamboats and vessels whether at home or abroad, debts due from solvent debtors, whether on account, contract, note, bond, mortgage, certificate or any other obligation, public stocks, and stocks in corporations moneyed or otherwise, and generally all property which is not real.

Sec. 36. That the term income as used in this act shall be construed to include and be confined to all monies, salaries, wages, pay, commission, brokerage and fees received in compensation for services or labor rendered, and all revenues and dividends received upon stocks in moneyed corporations not taxable under this act.

Sec. 37. That all property exempt from taxation under the laws of the State shall be exempt from taxes imposed or authorized by this act, and income to the amount of one thousand dollars shall likewise be exempt from taxation, and the city council may by ordinance provide for the exemption from taxation of such other property as they may deem just and proper; provided nothing contained under this title of taxation shall be construed to prevent the city council from imposing, levying and collecting special taxes, and assessments for the improvement of avenues, streets and alleys as hereinafter provided.

TITLE 6.

COLLECTION OF TAXES.

Sec. 38. That the city council may and shall have full

power to provide by ordinance for the prompt collection of all taxes assessed, levied and imposed by this act, or hereby authorized and due, or becoming due to the said city, and to that end may and shall have full power and authority to sell real as well as personal property, and may and shall make all such rules and regulations, and ordain and pass all such ordinances as they may deem necessary in the levying, laying, imposing assessing and collecting of any of the taxes herein provided for.

Sec. 39. The city council shall have power by ordinance to regulate the mode and manner of making out tax lists or inventories and the appraisement of property therein, and to prescribe the form of oath that shall be administered to each person on such rendition of property, and to prescribe how and when property shall thus be rendered, and to prescribe the number and form of assessment rolls, and fix the duties and define the powers of the Assessor and Collector, and adopt such measures as they may deem advisable to secure the assessment of all property within the limits of said city, and collect the tax thereupon, and may by ordinance provide that any person, firm or corporation having property subject to taxation, or being liable for any tax under the provisions of this act, and neglecting to render a list, inventory and appraisement thereof as required by any ordinance of said city shall be liable to fine and imprisonment.

Sec. 40. All merchants and other persons selling goods, wares and merchandise shall, at the expiration of every three months, or oftener if required by the city council, make out and deliver to the Assessor and Collector under oath, a full and complete list, statement or invoice of all goods, wares and merchandise bought, purchased or received for sale up to the time of making out such list, statement or invoice, and not theretofore given in, and all auctioneers, commission merchants, real estate, produce and other brokers and agents shall likewise every three months or oftener if required by the city council give in to the said officer a full and correct account of all purchases, consignments and sales of goods, wares and merchandise, and every description of property whatsoever, and any person failing or refusing to comply with the provisions of this section shall be liable to fine and imprisonment, and the city council shall, by ordinance clearly define the duties of tax-payers herein, and make all necessary rules and regulations to secure the rendition of property, and the collection of the taxes due thereon.

Sec. 41. That it shall be the duty of the city council annually at such time as they may determine to appoint three commissioners, each being a qualified voter, and the owner of real

estate in said city to the value of three thousand dollars, who shall be styled the Board of Appraisement, and whenever the party rendering property for assessment and the Assessor and Collector cannot agree on the valuation of such property it shall be referred to the said Board, and their action in appraising the same shall be final. Said Board shall also appraise all property assessed as unknown or unrendered. The city council shall allow said Board, such compensation for their services as they may consider just and reasonable. No person connected with the city government shall be appointed on said Board, and any vacancy may be filled by the Mayor.

Sec. 42. It shall be the duty of the Assessor and Collector to make out a list of all personal property which has not been given in for assessment according to the provisions of this act, and assess the same in the name of the owner if he be known, and if not then it shall be assessed by description of the property owner unknown, and the value of all such property shall be determined by the Board of appraisement, and the same may be sold as in other cases, if the tax be not paid in the time prescribed by law.

Sec. 43. It shall be the duty of the Assessor and Collector at the expiration of the time fixed by ordinance for the rendition of property to ascertain what property in the city subject to taxation has not been given in, and a list of all such property as is subject to taxation, shall be by him presented to the Board of appraisement for valuation by said officer, and said Board, and then shall by him be entered in a supplement to the assessment roll as unknown, specifying the year for which said tax is due, and the amount thereof, and if said tax is not paid within the time prescribed by law, said property shall be sold at the same time, and with like effect as other property, and on each piece of property so assessed as unknown, the Assessor and Collector shall be entitled to charge a fee of fifty cents.

Sec. 44. Whenever the Assessor and Collector shall ascertain that any taxable inhabitant's real or personal property have not been assessed for any past year, he shall assess the same in his next assessment roll (in a supplement thereto,) at the same rate under which such inhabitants and property should have been assessed for such year, stating the years for which such inhabitants or property should have been assessed, and the taxes thereon shall be collected in the same manner as other assessments. In all cases where any party has omitted to render property for taxation for any former year or years, and such taxes have not been paid, such party shall give such property in for

assessment for the years thus omitted and pay said taxes, and the Assessor and Collector shall enter all such property in a supplement to his next assessment roll under the head of payments for former years.

Sec. 45. The Assessor and Collector after the completion of his assessment rolls, as required by ordinance, shall proceed to collect the taxes therein mentioned within the time and give such notice as may be prescribed by the City Council, and for that purpose shall call once upon every person taxed, or on the agent or attorney of such person at the usual place of his or her residence, office, place of business or elsewhere, and demand the payment of the taxes charged upon his or her person or property, if the party is to be found; and if not, then a written demand specifying the amount of taxes due, left at the residence with some member of the family over fourteen years of age, shall be sufficient demand; provided, that if any person thus owing taxes has no residence, office or place of business, and no agent in the city, or none known to the Assessor and Collector, then said demand shall not be necessary and the ordinary published notice required by ordinance shall be sufficient.

Sec. 46. That if any person shall fail, neglect or refuse to pay the taxes imposed upon him and his property within the time prescribed by the ordinances of said city, the Assessor and Collector shall, by virtue of his tax lists and assessment roll, levy upon so much property liable to taxation belonging to such person as may be sufficient to pay his, her or their taxes, and the Assessor and Collector shall give notice of the time and place of sale by advertisement in writing giving the name of the party, (if not unknown property,) the property and the amount of taxes, costs and fees due thereupon. Five of such notices shall be posted, one at the court-house door, one at the Mayor's office, one at the office of the Assessor and Collector, and two at different public places within said city limits, and at the expiration of such notice and on the day therein specified the Assessor and Collector shall proceed to sell said property at public auction in front of the court house door of the county of Galveston, or such building as may be used for that purpose; provided, that when real estate or property is offered for sale the smallest portion of grounds (to be taken from the east side of the premises,) shall be sold, for which any person will take the same and pay the taxes, costs and fees.

Sec. 47. The Assessor and Collector shall, when any property has been sold for the payment of taxes, make, execute and deliver a deed for said property to the person or persons pur-

chasing the same, and such deed shall be prima facie evidence in all controversies and suits in relation to the right of the purchaser, his, her or their heirs or assigns, to the premises thereby conveyed, of the following facts:

First, that the land or lot, or portion thereof conveyed, was subject to taxation or assessment at the time the same was advertised for sale, and had been listed or assessed in the time or manner required by law.

Second, that the taxes or assessments were not paid at any time before the sale.

Third, that the land, lot or portion thereof conveyed had not been redeemed from the sale at the date of the deed, and shall be conclusive evidence of the following facts:

First, that the land, lot or portion thereof sold was advertised for sale in the manner and for the length of time required by law.

Second, That the property was sold for taxes or assessments as stated in the deed.

Third, That the grantee in the deed was the purchaser.

Fourth, That the sale was conducted in the manner required by law, and in all controversies and suits involving the title to land claimed and held under and by virtue of such deed, the person or persons claiming title adverse to the title conveyed by such deed, shall be required to prove, in order to defeat the said title, either that the land was not subject to taxation at the date of the sale; that the taxes or assessments had been paid; that the land had never been listed and assessed for taxation or assessment as required by this act or some ordinance of the city, or that the same had been redeemed according to the provisions of this act, and that such redemption was made for the use and benefit of the persons having the right of redemption under the law; but no person shall be permitted to question the title acquired by the said deed without first showing that he, she or they, or the person under whom he, she or they claim title, had title to the land at the time of the sale, or that the title was obtained after the sale, and that all taxes due upon the lands have been paid by such persons or the person under whom he claims title as aforesaid; provided, however, that the owner of such property shall have the right to redeem the same at any time within two years of the day and date of sale thereof, upon paying to the purchaser, or Assessor and Collector selling the same, or his successor in office, double the amount of taxes for which the same was sold, together with the costs of such sale and double the amount of all taxes paid by the purchaser since such

sale. The Assessor and Collector shall be entitled to charge the following fees: For each levy one dollar; advertising, one dollar; on each piece of property, for a deed two dollars; for certificate of redemption, one dollar.

The Assessor and Collector shall have full power to levy upon any personal property to satisfy any tax imposed by this act. All taxes shall be a lien upon the property upon which they are assessed. And in case any property levied upon is about to be removed out of the city the Assessor and Collector shall proceed to take into his possession so much thereof as will pay the taxes assessed and costs of collection.

Sec. 48. If from any cause the sale of property levied upon or seized for taxes, shall not take place at the time first appointed, the Assessor and Collector shall appoint some other time, give the like notice and proceed to sell such property in the manner prescribed in the first instance, and in case said property levied upon or seized for taxes cannot be sold on the day advertised, such sale may be postponed from day to day until completed, of which postponement the Assessor and Collector shall give verbal notice at the expiration of sale each day.

Sec. 49. If at any sale of real or personal property or estate for taxes no bid shall be made for any parcel of land or any goods and chattles the same shall be struck off to the city, and thereupon the city shall receive in the corporate name a deed for said property, and shall be vested with the same rights as other purchasers at such sales, and shall have power to sell and convey the same.

Sec. 50. If the real estate of any infant feme covert or lunatic, be sold under this act, the same may be redeemed at any time within one year after such disability be removed.

TITLE 7.

FIRE DEPARTMENT.

Sec. 51. The city council, for the purpose of guarding against the calamities of fire, shall prohibit the erection, building, placing, moving or repairing of wooden buildings within such limits within said city as they may designate and prescribe; and shall also, within said limits, prohibit the moving or putting up of any wooden building from without said limits; and shall also prohibit the removal of any wooden building from one place to another within said limits, and shall direct, require and prescribe

that all buildings within the limits so designated and prescribed as aforesaid shall be made or constructed of fireproof materials; and to prohibit the rebuilding or repairing of wooden buildings within the fire limits, when the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damage; to declare all dilapidated buildings to be nuisances, and to direct the same to be repaired, removed or abated, in such manner as they shall prescribe and direct; to declare all wooden buildings within the fire limits which they may deem dangerous to contiguous buildings, or in causing or promoting fires, to be nuisances, and to require and cause the same to be removed or abated, in such manner as they shall prescribe.

Sec. 52. The city council shall have power,

1st. To prevent and prohibit the dangerous construction and condition of chimneys, flues, fire-places, stove-pipes, ovens, or any other apparatus used in or about any building or manufactory, and to cause the same to be removed or placed in a secure and safe condition when considered dangerous.

2d. To prevent the deposit of ashes in unsafe places, and to appoint one or more officers to enter into all buildings and inclosures to examine and discover whether the same are in a dangerous state, and to cause such as may be dangerous to be put in safe condition.

3d. To require the inhabitants to keep and provide as many fire-buckets, and in such manner and time as they shall prescribe, and to regulate the use thereof in times of fire, and to require all owners and occupants of buildings to construct and keep in repair wells or cisterns upon their premises.

4th. To regulate and prevent the carrying on of manufactories and works dangerous in promoting or causing fires; to prohibit or regulate the building and erection of cotton presses or sheds.

5th. To regulate, prevent and prohibit the use of fire-works and fire-arms.

6th. To direct, control and prohibit the keeping and management of houses or any building for the storing of gunpowder and other combustible, explosive and dangerous materials, within the city; to regulate the keeping and conveying of the same, and the use of candles and other lights in stables and other like houses.

7th. To regulate and prescribe the manner, and order the building of parapet and partition walls and partition fences.

8th. To compel the owners or occupants of houses or other

buildings to have scuttles in the roofs, and stairs or ladders leading to the same.

9th. To authorize the Mayor, fire wardens, officers of fire companies, or any officers of said city, to keep away from the vicinity of any fire all idle, disorderly and suspicious persons, and arrest and imprison the same, and to compel all officers of the city, and all other persons to aid in the extinguishment of fires and in the preservation of property exposed to danger thereat, and in preventing goods from being stolen.

10th. And generally to establish such regulations for the prevention and extinguishment of fires as the city council may deem expedient.

Sec. 53. The city council shall procure fire engines and other apparatus for the extinguishing of fires, and have control thereof, and provide engine houses and other places for keeping and preserving the same; and shall have power to organize fire, hook and ladder, hose and ax companies, and a fire brigade; and the companies so organized, with such assistant engineers as may be provided for, and the chief engineer, shall constitute the Fire Department of said city. Each company shall have the right to elect its own members and officers. The engineers shall be chosen in such manner as said department may determine, subject to the approval of the city council, who shall define the duties of said officers, and pass such ordinance as they may deem proper for the interest and welfare of said department, and may contribute to the efficiency thereof. All officers so elected and approved shall be commissioned by the Mayor; and the said companies, officers and members, shall observe and be governed by the ordinances of said city relating to said fire department. Said companies shall have power to adopt their own constitution and by-laws, not inconsistent with the provisions of this act and the ordinances of said city; and said department shall take the care and management of the engines and other apparatus and implements provided and used for the extinguishment of fires; and their powers and duties shall be prescribed and defined by the city council.

Sec. 54. When any building in the city is on fire, it shall be lawful for the chief or acting chief engineer, with the concurrence of the Mayor, to direct such building, or any other buildings which they may deem hazardous and likely to take fire and communicate to other buildings, to be torn down, or blown up, or destroyed, and no action shall be maintained against any person or against the city therefor; but any person interested in any such building so destroyed or injured, may, within three

months, and not thereafter, apply in writing to the city council to assess and pay the damages he has sustained; and if the city council and the claimant cannot agree on the terms of adjustment, then the application of such claimant shall be referred to three commissioners, one to be appointed by the claimant, one by the city council, and the third by both. They shall be sworn faithfully to execute their duty according to the best of their ability; shall have power to subpoena and swear witnesses, and shall give all parties a fair and impartial hearing, and give notice of time and place of meeting. Said commissioners shall be qualified voters and owners of real estate in the city; shall take into account the probability whether the said building would have been destroyed or injured by fire if it had not been so pulled down or destroyed, and may report that no damages should equitably be allowed to such claimant. Whenever a report shall be made, and finally confirmed, for the appraising said damages, a compliance with the terms thereof by the city council shall be deemed a full satisfaction of said damages.

Sec. 55. Every person actively serving as a fireman, or who shall have so served as a fireman in the city for a continuous term of seven years, shall be exempted from serving as a juror in any Court, and from all militia duty, except in cases of insurrection or invasion. A certificate of the Mayor, under the city seal, shall be evidence of such exemption. The engineer and assistant engineers, and members of the hook and ladder, hose and axe companies, fire brigade and fire wardens, shall be deemed firemen of this city, within the meaning of this section.

Sec. 56. All fines or penalties imposed and collected for a violation of the laws and ordinances of the city for preventing and extinguishing fires, shall be paid to the Treasurer of the Firemen's Relief Association, for the use and benefit of said association.

TITLE 8.

OF SANITARY REGULATIONS.

Sec. 57. The city council shall annually appoint, by ballot, three Health Commissioners, who, together with the Mayor as President thereof, shall constitute the Board of Health of the city. The city council shall also appoint a health physician, and as many health inspectors as they may deem necessary, and shall prescribe, by ordinance, the powers and duties of the board and its members, and of the physician and inspectors.

Sec. 58. The City Clerk shall be the Clerk of the Board of Health, and shall keep a record of its proceedings.

Sec. 59. The board shall designate a place to be called the "Office of the Board of Health," at which office the President, or, in case of his inability to attend, one other member shall attend daily, from the first day of July to the first day of December in each year, if deemed necessary by the board.

Sec. 60. The city council shall have power to take such measures as they shall deem effectual to prevent the entrance of any pestilential, contagious or infectious disease into the city; to stop, detain and examine, for that purpose, any person coming from any place infected or believed to be infected with such disease; to establish, maintain and regulate pest-houses or hospitals at some place within the city, or not exceeding five miles beyond its bounds; to cause any person who shall be suspected of being infected with any such disease, and who is not a resident of the city, to be sent to such pest-house or hospital; to remove from the city or destroy any furniture, wearing apparel or property of any kind which shall be suspected of being tainted or infected with pestilence, or which shall be likely to pass into such a state as to generate or propagate disease; to abate all nuisances of every description which are or may become injurious to the public health in any manner that they may deem expedient, and, from time to time, do all acts, make all regulations, and pass all ordinances which they shall deem necessary or expedient for the preservation of health and the suppression of disease in the city.

Sec. 61. The captain, master or person in charge of any boat, steamboat, steamship, or other craft or vessel, which shall enter the city, having on board thereof any person sick of any malignant fever or other pestilential, contagious or infectious disease, shall be guilty of a misdemeanor, punishable by fine or imprisonment, or both, unless the person so diseased became so on the way, and could not be left. It shall be the duty of such captain, master or person in charge, within three hours after his arrival, to report in writing to the President or Clerk of the Board of Health the fact of such sick person being on board, and the name, description and location of his craft; and he shall not permit such sick person to land or to be landed, or to communicate with the shore in any way until the Board of Health shall give permission for that purpose; and any neglect or violation of these provisions, or any or either of them, shall be a misdemeanor, punishable with fine and imprisonment, or either.

Sec. 62. The owner, driver, conductor, or person in charge

of any stage, railroad car, or other public conveyance, which shall enter the city having on board any person sick of a malignant fever, or pestilential, contagious or infectious disease, unless such person became so sick on the way, and could not be left, shall be deemed guilty of a misdemeanor, punishable with fine and imprisonment, or either. Such owner, driver, conductor, or person in charge, shall, within three hours after the arrival of such sick person, report in writing the fact, with the name of such person and the house or place where he was put down in the city, to the President or Clerk of the Board of Health; and every neglect to comply with these provisions shall be a misdemeanor, punishable by fine and imprisonment, or either.

Sec. 63. Any person who shall bring, procure, or cause to be brought into the city any person or any property of any kind tainted or infected with any malignant fever or pestilential or infectious disease, shall be guilty of a misdemeanor, punishable by fine and imprisonment, or either.

Sec. 64. The Board of Health shall have power, by an order in writing for that purpose, to be served on the master, captain, or person in charge of any boat, steamboat, steamship, or other ship, vessel or craft, or on any owner or consignee thereof, if such boat, steamboat, steamship, or other ship, vessel or craft, be by them suspected to have on board any infected or diseased property or person, to require such boat, steamboat, steamship, ship, vessel or other craft, not to enter within the city limits or harbor, or to remove to some certain distance, not exceeding five miles from the city; and every such master, captain, person in charge, consignee or owner, who shall be served with such order, shall be guilty of a misdemeanor, punishable with fine and imprisonment, if such boat, steamboat, steamship, ship, vessel or other craft, shall enter the harbor or city in violation of such order, or shall not be removed, according to the tenor of such order, within a reasonable time after the service of such notice.

Sec. 65. Every keeper of an inn, hotel, tavern, boarding or lodging house in the city, who shall have in his house, at any time between the first day of July and the first day of December, any sick guest, traveler, sailor, or other person, shall report the fact and the name of the person, in writing, within six hours after he came to the house or was taken sick therein, to the President or Clerk of the Board of Health. Every physician in the city shall report, under his hand, to one of the officers above named, the name, residence and disease of every patient whom he shall have sick of any malignant fever or infectious or pestilential disease, within six hours after he shall have visited such

patient. A violation of either of the provisions of this section, or of any part of either of them, shall be a misdemeanor, punishable by fine and imprisonment, or either.

Sec. 66. The city council shall have power, from time to time, to require and direct the filling up, draining and regulating any lot or lots, grounds or yards, or any other places in the city which shall be unwholesome, or have stagnant water therein, or from any other cause be in such condition as to be liable to produce disease, and to pass such ordinances as they shall deem necessary for the purpose aforesaid, and for the making, filling up, altering or repairing of all sinks and privies, and directing the mode and material of constructing them in future; and for cleansing of any house, building, establishment, lot, yard or ground from filth, carrion, or impure or unwholesome matter of any kind, and to punish any owner or occupant violating the provisions of any ordinance so passed as aforesaid; and the city council shall also, and in addition to the foregoing remedy, have the power to cause any of the improvements above mentioned to be done at the expense of the city, on account of the owners, and cause the expense to be assessed on the real estate or lot or lots benefited thereby; and on filing with the County Clerk of Galveston county a statement by the Mayor of such expense, shall have a first and privileged lien on said property to secure said expenditure and twelve per cent. interest thereon. For any such expenditure and interest as aforesaid, suit may be instituted, and recovery had, in the name of the corporation, in any Court having jurisdiction; and the statement so made as aforesaid, or a certified copy thereof, shall be full proof and satisfactory evidence of the amount expended in any such improvement.

Sec. 67. The health officer may be authorized by the city council when the public interest requires, to exercise for the time being, such of the powers, and perform such of the duties of marshal or police officer as the city council may, in their discretion direct, and shall be authorized to enter all houses and other places, private or public, any boats or other water craft, at all times, in the discharge of their duties under this act. The city council shall have power to punish by fine and imprisonment, or either, any neglect or refusal to observe the orders and regulations of the board of health.

TITLE 9.

TAXES OR ASSESSMENTS FOR IMPROVING STREETS AND AVENUES.

Sec. 68. That whenever the owners of one-half of the lots,

or parts of lots fronting on any street or avenue, shall present a petition to the city council praying that such street, avenue or part thereof, may be improved and shelled, paved or macademized, and setting forth that they are willing to pay one-third of the cost of such improvement, the city council shall have power and authority to make said improvement, and shall assess one-third of the cost thereof upon the lots or parts of lots on either side of the street or avenue in front of which said improvement is done, and may recover the same from the owner or owners thereof, either by suit, or in the same manner and with like mode of procedure as taxes are collected, and the city council shall, by ordinance, prescribe the mode and regulate the manner of estimating the expense of said improvement and of making and collecting said assessment, and shall have full power to sell any property in default of payment of any assessment so made as aforesaid, in the same manner as property may be sold for taxes, and such assessments may be required to be paid on said property before the commencement of such improvement, and in any case where the owner or owners of any lot or part of a lot shall be a non-resident, it shall, and may be lawful to serve all necessary process, notices or citations required by this act, or any ordinance, upon his or her agent, if he or she shall have any known agent, and if there shall be no known agent resident in said city, then by publication of such notice or citation in one of the newspapers published in said city, for the space of two calendar months; and such service upon the agent, or by publication, shall in all cases be equivalent to personal service, and all expenditures made by said city council, or under their authority in any such improvement under this act and assessed on lots and parts of lots shall be and constitute a charge and lien upon said lots or parts of lots until the amount thereof, with interest thereon, at twelve per cent. per annum, be fully paid and discharged; provided, that the statement of the claim of the city upon such lots or parts of lots, signed by the Mayor, be filed and recorded in the clerks office of the county court of Galveston county, and the corporation shall have the right to institute suit to recover said amount and interest, and to enforce said lien. But the city council shall also have the right and power to collect said assessments the same as taxes are collected, and in case of non-payment to sell any property on which said assessment has been made with like effect as sales may be made for taxes; the other one third of any such expense for improving any streets as herein provided for, shall be paid by the city. The city council shall have the right, by ordinance, to determine the

character and nature of such improvement, to designate what officer shall act in making such assessment and collecting the same, and selling in case of any default of payment, and the deed of sale of such officer shall be as valid and binding, and have the same force and effect as deeds made by the assessor and collector for sales of property for other taxes, as hereinbefore provided. The city council shall also by ordinance prescribe such rules and regulations as they may deem necessary to the full exercise of the powers herein granted.

Sec. 69. The city council shall be invested with full power and authority to grade, shell, pave or otherwise improve any avenue, street or alley, or portion thereof, within the limits of said city, and without any petition as provided in the foregoing section, whenever by a vote of two-thirds of the aldermen elected, they may deem such improvement for the public interest; provided, the city council shall pay one-third and the owners of the property two-thirds thereof.

Sec. 70. That whenever the city council shall determine to make any such improvement they shall cause an estimate to be made of the probable cost thereof, by the street commissioner or some other officer of the city, or by a committee of aldermen; and such officer or committee, shall also report a full list of all lots or fractional lots, giving number and size of the same, and the number of the block in which situated, and the names of the owners thereof, if known, and such other information as may be required by the city council, lying and being on each side of the street, avenue or alley so to be improved as aforesaid, and if there be any lot or fractional lot, the owner whereof is not known, the same shall be entered on said list as unknown; it shall be the duty of the officer or committee aforesaid, to enter on said list opposite each lot or fractional lot therein, one-third of the estimated expense for such work or improvement on such avenues, street or alley, fronting, adjoining or opposite such lot or fractional lot, and on the acceptance and approval of said report and list by the city council, said amounts shall be imposed, levied and assessed as taxes, and shall be a lien on the property until the payment of the same.

Sec. 71. That after such action on the part of the city council as above provided for, such officer or committee shall give such notice as may be required by ordinance, of said tax being due and within what time payable, and shall commence forthwith to collect the same. That after the expiration of the period for payment of said tax, said officer or committee shall levy on so much of any property on said list on which said tax has

not been paid, as will be sufficient to pay the same, and the same notice of sale as is required in sales for other taxes shall be given, and if said tax is not paid before the day of sale, said officer or committee shall sell said property in the manner and under the circumstances, and to the extent, and subject to the same conditions which are or may be provided by ordinance for the sale of real estate in the city of Galveston, charged with the payment of taxes imposed by said corporation, and said officer or committee shall execute a deed to the purchaser at any such sale, and all the provisions of this act in reference to a deed drawn by the assessor and collector for taxes, shall apply to the deed provided for in this section.

Sec. 72. That in addition to the power and authority granted to the city council to collect said assessments as taxes as aforesaid, they shall have the further and additional remedy of instituting suit in the corporate name in any court having jurisdiction, for the recovery against any owner of said property, for the amount due for any such work, so made as aforesaid; and the city council shall provide by resolution or ordinance, under the provisions of this act for carrying out and executing the powers in this title conferred, and may adopt such resolutions and enact such ordinances, and make such rules and regulations as they may deem necessary.

TITLE 10.

PASSENGERS COMING TO THE CITY OF GALVESTON.

Sec. 73. Within two hours after the landing of any passengers from any steamship, steamboat, ship or vessel arriving in the harbor or port of said city from any of the United States, other than this State, or from any country out of the United States, the master, captain, commander, owner or consignee of such steamship, steamboat, ship or vessel from which such passenger or passengers shall have been landed, shall make a full report in writing, on oath or affirmation to the mayor, and the city council shall, by ordinance prescribe the mode and manner of making out said report and the contents thereof, and to make such other rules and regulations in relation thereto as they may deem necessary, and to provide that any person violating any of the provisions of such ordinance shall be punished by fine and imprisonment.

Sec. 74. The city council may require the master, captain, commander, owner or consignee of any ship or vessel so arriving

as aforesaid, to give a several bond, with good and sufficient securities, in the sum of three hundred dollars, payable to the city of Galveston, for each and every passenger included in said report, conditioned to indemnify and save harmless, such city from any cost or expense for the relief or support of the person named in the bond, for five years from the date thereof, and the city council shall make all such rules and regulations in relation to said bond and the security and solvency of the same, as they may deem necessary, and in the event of the forfeiture or breach of any such bond, suit may be instituted and recovery had thereupon in any court having jurisdiction; provided, that the city council may allow any captain, commander, master, owner or consignee of any such ship or vessel at any time within three days after the landing of such person or passenger, to commute for the bond or bonds so required, by paying to the Mayor or officer authorized to receive the same, the sum of one dollar for every passenger so reported; the receipt of which sum shall be deemed a full and sufficient release and discharge from the requirement of giving bonds as above provided, and all sums so received shall be paid into the city treasury, and be used and appropriated solely for the support and benefit of the hospital or hospitals established by the said corporation.

TITLE 11.

MISCELLANEOUS PROVISIONS.

Sec. 75. Whenever in the opinion of the city council any building, fence, shed, awning or other erection of any kind, or any part thereof, is liable to fall down and endanger persons or property, they may order any owner or agent of the same, or any owner or occupant of the premises in which such building, shed, awning or other erection stands, or to which it is attached, to take down and remove the same, or any part thereof, within such time as they may direct, and punish by fine and imprisonment, or either, any neglect, failure, or refusal to comply therewith. The city council shall, in addition, have the power to remove the same at the expense of the city, on account of the owner of the property or premises, and assess the expense on the land on which it stood, or to which it was attached, and shall, by ordinance, provide for such assessment, the mode and manner of giving notice and the means of recovering any such expense.

Sec. 76. Whenever any person has been required by the Recorder to give a peace bond or bonds for good behavior, or any

similar bond under this act, and has complied with such order, and been guilty of a violation or infraction of any such bond, and the same is proved or established to the satisfaction of that officer in any trial or complaint, such party so offending may be fined in the sum of five hundred dollars and imprisoned for six months, and the city in its corporate name may sue in any court having jurisdiction for the recovery of the penalty of such bond.

Sec. 77. That the city council shall not have power and authority under this charter to contract for and create debts exceeding in the aggregate the sum of five hundred thousand dollars, unless the question of the creation thereof, be first submitted to a direct vote of the owners of real estate within the city, (and otherwise qualified voters under this act) and approved of and sanctioned by a majority of such voters.

Sec. 78. The territory contained within the boundary of the city of Galveston shall be divided into four wards, the boundaries to be as now established by ordinance; provided, that the city council of said city shall have power, from time to time, to cause a division of said city to be made into as many wards as they may deem necessary and for the good of the inhabitants of said city; but no such division shall be made unless it be done at least three months preceding the city election next ensuing, and said wards so established shall contain, as far as practicable, an equal number of voters.

Sec. 79. In case of the temporary absence, sickness, or inability of the Recorder to act, or in case of vacancy in that office, the Mayor shall have full power and authority to act as Recorder and as Judge of the recorder's court, until said officer can resume his duties, or the vacancy be filled by election of the city council. The Mayor while so acting, shall perform all the duties, and have, possess and execute all the powers and authority vested in the Recorder by this act, or any ordinance passed in pursuance thereof.

Sec. 80. In all cases where by any provision of this act, or by any ordinance passed in pursuance thereof, a person is required to obtain a license for any calling, occupation, business or avocation, and has, on complaint before the Recorder, been adjudged guilty of violating any rule, regulation or ordinance of the city council in relation thereto, the Recorder, in addition to fine and imprisonment, or either, may suspend or revoke the license so granted.

Sec. 81. The city council shall, as soon as may be, after the commencement of each municipal year, contract as they may by

ordinance or resolution determine, with a public newspaper of the city as the official paper thereof, and to continue as such until another is selected, and shall cause to be published therein all ordinances, notices and other matters required by this act, or by the ordinances of the city, to be published.

Sec. 82. The city council shall, at least ten days before the annual election in each year, cause to be published in the city newspaper, a correct and full statement of the receipts and expenditures from the date of the last annual report, together with the sources from whence the funds are derived, and showing for what purposes disbursed, the condition of the Treasury, together with such information as may be necessary to a full understanding of the financial concerns of the city.

Sec. 83. Every ordinance imposing any penalty, fine, imprisonment or forfeiture for a violation of its provisions shall, after the passage thereof, be published in every issue of the city paper for ten days, and proof of such publication by the affidavit of the printer or publisher of such newspaper, taken before any officer authorized to administer oaths, and filed with the clerk, or any other competent proof of such publication shall be conclusive evidence of the legal publication and promulgation of such ordinance, in all courts and places. Ordinances passed by the city council and requiring publication, shall be in force from and after the due publication thereof, unless it be therein otherwise expressly provided. Ordinances not requiring publication shall take effect and be in force from and after their passage, unless it shall be therein otherwise expressly provided.

Sec. 84. There shall be a digest of the ordinances of the city which are of a general nature, published within six months, or as soon as practicable thereafter, from the first monday in March, 1867, and a like digest within every period of five years thereafter; provided, it shall be the duty of each city council to cause to be printed, in pamphlet form, at the end of each municipal year, all the ordinances passed for the year past and then in force.

Sec. 85. All ordinances of the city when printed and published by authority of the city council, shall be admitted and received in all courts and places without further proof.

Sec. 86. The style of all ordinances shall be, "Be it ordained by the city council of the city of Galveston," but may be omitted when published in the form of book or pamphlet.

Sec. 87. All ordinances, regulations and resolutions, now in force in the city of Galveston, and not inconsistent with this act, shall remain in force under this act until altered, modified, or re-

pealed, by the city council, after this act shall take effect.

Sec. 88. All fines, forfeitures and penalties, for the breach or violation of any provision of this act, or of any regulation, order, or ordinance of the city council, shall, when collected, be paid into the city treasury, for the use and benefit of said city, except such fines as are herein appropriated to the Treasurer's Relief Association.

Sec. 89. No person, other than an elector, resident of the city, shall be appointed to any office by the city council.

Sec. 90. Resignation by any officer authorized to be elected or appointed by this act, shall be made to the city council, in writing, subject to their approval and acceptance; provided, that nothing in this section contained shall apply to appointments by the Mayor; any such appointee, wishing to resign, shall present his resignation to that officer, in writing, for his action.

Sec. 91. The city council shall have power to remove any officer, except the Mayor and Recorder, for incompetency, corruption, malconduct or malfeasance in office, after due notice and an opportunity to be heard in his defense; and in addition to the foregoing power of removal, the city council shall have power at any time to remove any officer of the corporation, elected by them, by resolution declaratory of its want of confidence in said officer, provided, that two-thirds of the Aldermen elected shall vote in favor of said resolution.

Sec. 92. Any vacancy which may occur in any office required to be filled by the city council, may be temporarily filled by resolution of that body; and the person so appointed, shall hold the office until such vacancy shall be filled by ballot, and his successor enter upon the duties of the office. Such temporary appointments may at any time be rescinded in the same manner as made.

Sec. 93. Whenever any person shall be removed from any office, or the term for which he was appointed or elected, has expired, or he has resigned, or ceased to act in such official capacity, he shall deliver over to his successor all books, papers and effects, in any way appertaining to his office. Every person violating this provision, shall be guilty of a misdemeanor, and shall be deemed an offender, within the meaning of any law of the State, punishing such offence; and in addition thereto, shall, on conviction before the Recorder, be fined in any sum not exceeding five hundred dollars, and imprisoned for any time not exceeding six months, or either.

Sec. 94. That no member of the city council shall hold any other employment, or office, under the city government, while

he is a member of said council, unless herein otherwise provided; and no member of the city council, or any officer of the corporation, shall be directly or indirectly interested in any work, business, or contract, the expense, price, or consideration of which, is paid from the city treasury, or by an assessment levied by an ordinance or resolution of the city council, nor be the surety of any person having a contract, work, or business, with said city, for the performance of which, security may be required.

Sec. 95. The members of the city council shall be exempt from jury service during their term of office. Each Alderman shall receive three dollars for every meeting attended, and be fined in a like sum for every meeting which he fails to attend, without sufficient excuse for each absence.

Sec. 96. The city council shall have power to prescribe the duties of all the officers and persons appointed by them, or elected to any office or place whatever, subject to the provisions of this act; to revoke any license given under this act; to remit in whole, or in part, and on such conditions as shall be deemed proper, by a vote of two-thirds of all the members present, any fine or penalty belonging to the city, which may be imposed or incurred under this act, or under any ordinance or regulation passed in pursuance thereof.

Sec. 97. Where, by the provisions of this act, the city council have power to pass ordinances on any subject, they may prescribe any penalty not exceeding two hundred dollars, for the violation thereof, and imprisonment, not to exceed three months, (unless a larger penalty be prescribed therefor by this act,) and in the case of the imposition of a fine and non-payment, may provide that the party convicted be committed to jail, or house of correction, or required to work on the alleys, avenues or streets of said city, or on any public work under the control of the city council.

Sec. 98. The city council shall, on or before the first day of January, in each year, fix the annual salary of the Mayor to be elected at the next regular election, and shall, at the same time, establish the compensation or salary to be paid to the officers to be elected, or appointed by the city council, and the compensation, or salary, so established, shall not be changed during the term for which said officers shall be elected or appointed.

Sec. 99. It shall not be necessary, in any action, suit, or proceeding, in which the city of Galveston shall be a party, for any bond, undertaking, or security, to be executed in behalf of the city; but all such actions, suits and proceedings, shall be conducted the same as if such bond, undertaking, or security, had

been given, and for all the purposes of such actions, suits or proceedings, the city shall be liable in the same manner, and to the same extent, as if the bond, undertaking, or security, required in ordinary cases, had been duly given and executed.

Sec. 100. The cemetery lots, which have, or may be hereafter laid out and sold by said city, for private places of burial, shall, with the appurtenances, forever be exempt from taxes, execution, attachment, or forced sale.

Sec. 101. No person shall be an incompetent Judge, Justice, witness, or juror, by reason of his being an inhabitant or freeholder in the city of Galveston, in any action or proceeding in which said city may be a party in interest.

Sec. 102. All rights, actions, fines, penalties and forfeitures in suit, or otherwise, which have accrued under the law heretofore in force, shall be vested in and prosecuted by the corporation hereby created; and no suit pending shall be affected by the passage of this act, but the same shall be prosecuted or defended as the case may be, by the corporation hereby created.

Sec. 103. All property, real and personal, or mixed, belonging to the city of Galveston, is hereby vested in the corporation created by this act, and the officers of said corporation, now in office, shall respectively continue in the same until superceded, in conformity to the provisions hereof, but shall be governed by this act, from and after it takes effect.

Sec. 104. Whenever a majority of the inhabitants, qualified to vote for members of the State Legislature, on any territory adjoining the present limits of the city of Galveston, to the extent of half a mile in width, shall vote in favor of becoming a part of said city, any three of them may make affidavit before the Mayor, who shall certify the same to the city council of said city, and said city council may, by ordinance, receive them as a part of said city; from thenceforth the territory so received shall be a part of the said city, and the inhabitants thereof shall be entitled to all the rights and privileges of other citizens, and bound by all the acts and ordinances made in conformity thereto, and passed in pursuance of this act.

Sec. 105. This act shall not invalidate any legal act done by the city council of the city of Galveston, or by its officers, nor divest their successors, under this act, of any rights of property, or otherwise, or liability, which may have accrued to or been created, by said corporation, prior to the passage of this act.

Sec. 106. That from and after the passage of this act, an act entitled "An Act to repeal an act entitled an act to consolidate, in one act, and to amend the several acts incorporating the city

of Galveston, approved August 27th, 1856, and to grant a new charter of incorporation to said city, approved December 9th, 1863," be and the same is hereby repealed.

Sec. 107. This act shall be deemed a public act, and may be read in evidence, without proof, and judicial notice shall be taken thereof in all courts and places, and so much thereof as relates to the qualification of voters shall take effect and be in force from and after its passage. All other parts of this act shall take effect and be in force whenever the same is approved by a majority of the legal voters of the city of Galveston, voting at any election to be ordered by the city council, to be held in said city for that purpose, after the passage of this act by the Legislature, and within two months from the time of receiving official copy of the same, the city council shall order an election, giving at least ten days notice thereof, at which election the electors may vote for or against the adoption of this act, (except as above specified,) as the charter of the city of Galveston; and if the same is approved by a majority of legal voters, voting at such election, this act shall take effect and be in force from and after the day of such election, or approval, as fully as it would have done had it been made, to take effect and be in force from and after its passage.

Approved November 10, 1866.

CHAPTER CLXXIV.

An Act to Incorporate the Houston Scientific Institute.

Section 1. Be it enacted by the Legislature of the State of Texas, That Wm. J. Hu chins, Ashbel Smith, Charles Shearn, C. C. Gillespie, T. W. House, W. J. Hancock, E. H. Cushing, J. W. Henderson, J. T. Brady, Wm. M. Craven, Henry F. Gillett, and their associates and successors in office, be, and are hereby constituted a body politic and corporate, under the name and style of the Houston Scientific Institute, for the increase and diffusion of knowledge, to be located in the city of Houston, in this State. Under this name and style, they may sue and be sued, plead and be impleaded, and buy and sell property, real, personal and mixed, and hold the same. They may receive donations of books of all objects of natural history, plants and mineralogical and geological specimens of all objects of art and of various foreign and domestic research, of all agricultural and

mechanical implements, and of whatever may serve to increase or diffuse knowledge. They may also receive, by gift, or devise, any property, real, personal or mixed, donated for the purpose of carrying into effect the objects of this incorporation.

Sec. 2. The persons herein named, their associates and successors, shall be a Board of Trustees, a majority of whom shall constitute a quorum for the transaction of ordinary business. The Board of Trustees may provide that two-thirds of their number shall constitute a quorum for the transaction of certain specified business. They may appoint a President, Treasurer and Auditor of Accounts, a Librarian, and such curators of the cabinets as may be necessary for the proper care and use of the same. They may make all necessary by-laws for carrying into effect the objects of this incorporation. They may employ competent persons to deliver a lecture or lectures, on such terms as they may agree on. The Trustees may rent out, for any legitimate business, any portion of the building or buildings which they may erect or hire for the use of the institute, or for the reception and conservation of objects belonging to the same.

Sec. 3. Whenever, in the opinion of the Trustees, it shall be advisable for the more convenient carrying into effect the objects of the incorporation, they may divide the property of the same into shares of fifty dollars each, not to exceed in gross amount one hundred thousand dollars.

Sec. 4. This Act shall take effect from and after its passage, and be in force for ninety-nine years.

Approved November 10, 1866.

CHAPTER CLXXV.

An Act for the relief of the heirs of Henry Roberts, deceased.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office, be, and he is hereby authorized and instructed to issue a certificate to the heirs of Henry Roberts, deceased, assignee of Phillip A. Sublett, for fourteen hundred and eighty-five (1485) acres of land, to be located upon any unappropriated public domain of the State of Texas.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved November 10, 1866.

CHAPTER CLXXVI.

An Act to incorporate the Planters' Cotton Press Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That T. H. McMahan, Boulds Baker, J. Carrol Smith, S. Maclin, J. C. Massie, A. J. Ward, A. Sessums, George W. Baylor, Alexander B. Thompson, J. D. Waters, E. P. Hunt, H. Van Buren, Josiah Taylor and Alfred Muckle, of the county of Galveston, their associates and successors, be, and they are hereby constituted a body corporate and politic, under the name and style of "The Planters' Cotton Press Company," and under said name may sue and be sued, plead and be impleaded, defend and be defended in all Courts whatever in this State, and may have a common seal, and change the same at pleasure.

Sec. 2. The purposes and objects of said company are, the building and working of cotton presses, cotton pickers and cleaners, and establishing cotton yards in the city and county of Galveston, and upon such terms as may be conducive to the interest of the stockholders, and also the renting or purchase of such wharves, water rights, buildings, materials, live stock, machinery and lots of land, as may be requisite to carry on the cotton press and pickery business.

Sec. 3. That the office of said company shall be established in the city of Galveston, and service and all suits may be made either upon the President; Secretary or Treasurer.

Sec. 4. The capital stock of said company is hereby fixed at the sum of three hundred thousand dollars, divided into three thousand shares of one hundred dollars each, to be paid for in the manner following: Ten per cent. of the amount subscribed for to be deposited with the Treasurer of the company, at the time of subscribing, and the balance at such times and in such amounts or instalments of the Board of Directors may order; provided, that not more than ten per cent. shall be called for oftener than once within any sixty days.

Sec. 5. That said corporation shall enjoy succession by its corporate name, and shall possess all powers incident to corporations authorized by law. The term of its duration is hereby fixed at twenty-five years from the date of this Act. The business of the corporation shall be managed by a Board of Directors, composed of not less than five, nor more than ten stockholders, until otherwise ordered by the company, of whom the President, for the time being, shall be one; and the said Board of Directors shall exercise all the powers of the said corporation, and hold

their sessions at such times and places as may be, in their judgment, most conducive to the interest of said corporation. An annual election of the Board of Directors shall be held at the office of the company, on the first Monday of August in each year, until otherwise ordered by the company, and notice shall be given ten days previously, in two of the newspapers of the city of Galveston, of said election. The board shall appoint two of the stockholders as inspectors to preside at such election, and if any of said inspectors decline or fail to attend, the President shall appoint others to fill such vacancies. The board thus elected shall take their seats on the first Monday next ensuing their election, and shall hold their seats for one year therefrom, or until their successors have been qualified. All elections for directors shall be by ballot, and in all elections those persons receiving a plurality of votes of the stockholders voting shall be considered duly elected; and in the event of no election taking place on the day aforesaid, the President shall cause another election to take place within fourteen days thereafter, giving ten days' previous notice by advertisement as aforesaid; and in case of a second failure to elect, then the old Board of Directors shall be, and continue in office until the next regular day of election, and until their successors have been qualified. Each and every stockholder shall be entitled to vote for each and every share of stock which he, she or they may respectively hold; and in all elections of directors votes may be given either in person or by proxy, but no person shall vote on any share transferred to him within fifteen days prior next to such election. Members of the Board of Directors shall, in all cases, be eligible for re-election. If, from death, resignation or other causes, a vacancy or vacancies shall happen in such board, they shall be filled within thirty days next thereafter, by a special election by the stockholders—ten days' previous notice of said election being given by newspaper advertisement, as already provided. It is hereby declared that the following named persons do and shall constitute the present Board of Directors, who shall remain in office until the first Monday of December next ensuing the date hereof, superceded by a new board duly elected, viz: T. H. McMahan, Boulds Baker, J. Carrol Smith, S. Maclin, J. C. Massie, A. J. Ward and A. Sessums.

Sec. 6. The Board of Directors shall, at their first meeting, elect a President, who shall be selected from among themselves, and who shall hold his office until his successor be elected. He shall preside at all meetings of the board, and conduct the business of the company generally, under the supervision of the

board and as directed by the by-laws. In case of the absence of the President at any meeting, a President pro tem. shall be elected by the directors President—of whom five shall be a quorum—to preside at the said meeting.

Sec. 7. The Board of Directors shall have power to appoint such officers, clerks and employees, as shall be requisite to conduct the business of the company, and to ordain such by-laws and regulations as may be needed, fixing also the salaries and emoluments of said officers, clerks and employees. The said board shall also, on the first Monday of August in every year, or such other time as may be established by the company, exhibit to the stockholders a precise statement of the business of the company, and shall there recommend to the stockholders what dividend or profit (if any) shall be made and declared. The President of the said board shall, whenever required to do so, by a demand in writing, signed by stockholders representing two-thirds of the stock subscribed for and paid up as far as has been called for, call a meeting of the stockholders, to take place as specified in said call; provided, at least ten days' previous notice shall be given of said meeting.

Sec. 8. At the expiration of the charter of this company, or sooner if dissolved by a two-thirds vote of the whole of the stockholders, at a meeting convened for the purpose, after due notice, the affairs of the company shall be immediately placed in liquidation, and its liabilities and accounts placed in charge of a commissioner, to be appointed by the stockholders, who shall remain in office until the final liquidation of the affairs of the company, and the surplus funds, if any in hand, shall be distributed among the stockholders pro rata.

Sec. 9. No stockholder shall be liable or responsible for the contracts or faults of said corporation in any further sum than the value of the shares owned by him.

Sec. 10. That this Act take effect and be in force from and after its passage.

Approved November 10, 1866.

CHAPTER CLXXVII.

An Act to incorporate the Kaufman Male Academy.

Section 1. Be it enacted by the Legislature of the State of Texas. That a school of learning consisting of a male depart-

ment be, and the same is hereby established in the county of Kaufman, to be known as the Kaufman Male Academy.

Sec. 2. That D. W. Broughton, W. H. Pyle, T. P. Andrews, W. B. Dartriel, J. W. Johnson, W. D. Douglas, and J. M. Noble, be, and they are hereby declared to be the trustees of said Academy, and are constituted a body politic and corporate in deed and law, by the name of the President and Trustees of Kaufman Male Academy, and by that name, they and their successors may sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in any court having jurisdiction, and to grant, bargain and sell or assign, any lands, tenements, goods or chattels now belonging to said Academy, or that may hereafter belong to the same; to construct all the necessary buildings for said institution to establish a preparatory department, and such dependent institutions as they may deem necessary in furtherance of the objects of this act; to have the management of the finances; the privilege of electing their own officers; of appointing all necessary committees; and to act and to do all things whatsoever for the benefit of the said Academy, in as ample a manner as any person or body politic or corporate may or can do by law.

Sec. 3. That said trustees shall have power of prescribing the course of studies to be pursued by the students, and of framing and enacting all such ordinances and by-laws, as shall appear to them necessary for the good government of said Academy, and for their own proceedings; provided, that the same be in accordance with the Constitution of the State of Texas.

Sec. 4. The trustees shall appoint a President and the Professors, who shall be styled the Faculty of Kaufman Male Academy, which Faculty shall have power of enforcing the ordinances and by-laws adopted by the trustees for the government of the students, by rewarding or censuring them, and finally by suspending such of them as after repeated admonitions shall continue disobedient or refractory, until a determination of a quorum of trustees can be had; but it shall only be in the power of a quorum of trustees to expel any student of said Academy.

Sec. 5. That the trustees shall have full power, by the Faculty of said Academy, to grant or confer such degree or degrees in the arts and sciences on the students of said Academy, and on other persons worthy thereof, as are usually granted or conferred in other Academies, and to give certificates thereof, or diplomas signed by them and sealed with the common seal of the

trustees of the Academy, to authenticate and perpetuate the memory of such graduations.

Sec. 6. That whenever any vacancy may occur in the Board of trustees, either by death, resignation or otherwise, such vacancy or vacancies shall be filled by the selection of the remaining trustees.

Sec. 7. That all necessary officers of said Academy shall be appointed by a majority of the Board of trustees, viz: The faculty or minor officers, and that said officers shall always be subject to removal by the appointing power for cause.

Sec. 8. That the salaries of all officers connected with the Academy shall be fixed by a majority of the Board of Trustees.

Sec. 9. That the Kaufman Male Academy shall be purely literary and scientific, and that the students of all religions shall enjoy equal advantages.

Sec. 10. That this act take effect and be in force from and after its passage.

Approved November 10, 1866.

CHAPTER CLXXVIII.

An Act amendatory of an act entitled an act for the incorporation of the town of Liberty, approved June 7th, 1837.

Section 1. Be it enacted by the Legislature of the State of Texas, That the 5th section of the above recited act, be amended so as to read as follows, to-wit:

"Sec. 5. That the Board of Trustees shall have full power and authority to make and establish such ordinances, regulations, laws and by-laws as they shall deem necessary for their own government, and to preserve the peace, cleanliness, comfort and salubrity of the town, to direct the construction, maintenance and repairs of sidewalks in the streets at the cost of the proprietors of neighboring houses and lots, and to determine the dimensions thereof, to require all low ground and lots in said town, which endanger the health thereof, to be drained and filled up by the proprietors of the same, and in case of their refusing, or neglecting so to do when ordered, to cause the same to be drained and filled up, and the premises to be sold to defray the expenses thereof; provided, that the proprietor of the lots or lands so sold shall be entitled to the purchase money which may remain, after defraying the expenses of draining, filling and sell-

ing the same, to prevent the establishment within the said town of houses of ill-fame, or any other places of resort for gambling, or vicious purposes; to establish hospitals for destitute sick persons, and poor houses for the infirm and indigent, to provide the means for the confinement and employment of beggars, vagrants and other idle and vicious persons; and to pass such laws, and appoint such officers as may be necessary for the management thereof; to prohibit the establishment of any nuisance within said town, and generally to do such acts and pass such ordinances, not inconsistent with the Constitution and laws of this State, as may conduce to the interest and welfare of said town; provided, that no ordinance, law or by-law passed, shall go into effect unless the same be approved by the Mayor, or being disapproved by him be passed by a vote of two-thirds of the six trustees, nor until ten days after the same is published, except in cases of emergency, when two-thirds of the Board may direct otherwise. The Board by a two-thirds vote may at any time, dismiss any officer elected by the Board, and elect a new incumbent. And to defray the expenses of said town, the said Board by a two-thirds vote, may impose a capitation, direct property, license and income tax, upon all such persons, property, employments and incomes as are liable to taxation under the Constitution and laws of this State, and to make and execute all laws necessary to enforce the collection of the same; provided, nevertheless, that no property tax shall, for any one year exceed the one-fourth of one per cent. of the value of the property."

Sec. 2. That this act take effect and be in force from and after its passage.

Approved November 10, 1866.

CHAPTER CLXXIX.

An Act authorizing the removal of the Administration of the Estate of Jesse Duren, from the County of Leon to the County of Houston.

Section 1. Be it enacted by the Legislature of the State of Texas, That the administration of the Estate of Jesse Duren, deceased, be removed from the county of Leon to the county of Houston.

Sec. 2. That this Act take effect and be in force from and after its passage.

Approved November 10, 1866.

CHAPTER CLXXX.

An Act to incorporate the Corpus Christi Steamship and Overland Transportation Company.

The object of said Association being for the purpose of establishing communication by steam between Corpus Christi and any other sea port which shall be designated and determined by said Company, and to transport passengers and freight from the City of Corpus Christi to the Rio Grande and Republic of Mexico, upon any line they may select.

Section 1. Be it enacted by the Legislature of the State of Texas, That B. F. Neal, John M. Moore, Wm. Headen, Frank Boge, N. Gussett, Geo. E. Conklin, Wm. Gruvy, P. Doddridge, J. Zeigler, W. S. Gregory, J. Woessner, Geo. H. Giddings, S. M. Swenson, Chas. Lovenskiold, Chas. Russell, Geo. A. Fosdick, or any number of them who may accept this Charter, and their associates, successors and assigns, be, and they are hereby created a body politic and corporate, by the name and style of the Corpus Christi Steamship and Overland Transportation Company, and by that name and style may contract and be contracted with, sue and be sued, plead and be impleaded, as natural persons, and generally may do all acts and things which a Corporation created for a particular purpose, may rightfully do; may have and use a common seal, may purchase steamships, receive, hold, use and enjoy any ways, houses, depots, land, tenements, rents, rights and other privileges, and all other real and personal property necessary and adapted to the transportation of freight and passengers, and also to make or receive conveyances, gifts, devises and leases of property adapted to the business of said Corporation and dispose of the same as the Company may deem proper, and also to ordain and establish such by-laws as the said Company may deem fit and expedient for the advancement and regulation of its business, and for the government of its officers, agents and employees; provided, that a majority of the Directors of said Company, and the President thereof, shall reside, and that the principal office shall be kept at the city of Corpus Christi, county of Neuces, State of Texas, where all writs and citations shall be served; and further provided, that this Act shall not be construed so as to give or confer upon said Company banking privileges, nor shall said Company make any by-laws in conflict with this Charter or with the Constitution and laws of this State, or of the Constitution of the United States.

Sec. 2. The affairs of said Company shall be managed by a Board of Directors, not exceeding eleven in number, to be chosen annually from the stockholders, who shall select one from their number as President, and appoint such other officers as they may deem proper for the government of said Company. The first election shall be held at such time and place as a majority of the corporators named in this Act, who may accept this Charter, of which election public notice shall be given, also written notice to each of the stockholders, and the subsequent elections shall be held annually, at such times as the Directors may from time to time fix and determine; provided, that in case of failure to elect, the former Directors may continue in office and shall perform the duties thereof until their successors are elected and qualified.

Sec. 3. That the stockholders of said Company shall hold annual meetings at such times and places as shall be designated by the by-laws; that every stockholder shall be entitled to one vote for each share of the capital stock he may own, and he may vote either in person or by proxy.

Sec. 4. That the capital stock of said Company shall not exceed five hundred thousand dollars, which shall be subscribed for and divided into shares of fifty dollars each, and paid for in such manner as said Company may prescribe by their by-laws; certificates of stock shall be regarded as personal estate, and shall be transferred on the books of said Company in person or by attorney; but this Company shall have a lien on the stock of any and all stockholders for any debts he may owe to said Corporation.

Sec. 5. The books for the subscription of stock shall be opened at such times and places as the Commissioners, or a majority of them hereinafter named, may deem advisable, and C. Lovenskiold of Corpus Christi, S. M. Swenson of New York city, Frank Borge and Geo. A. Fosdick of New Orleans, T. Doddridge of Roma, Texas, and Chas. Russell of Monterey, Mexico, are hereby appointed Commissioners; that said Commissioners, or a majority of them who may open the books, shall cause to be inserted in said books an obligation in substance as follows: "We whose names are herewith subscribed, do respectively promise to pay to the President and Directors of the Corpus Christi Steamship and Overland Transportation Company, fifty dollars for each share of stock set opposite to our names, and pay the same at such times and in such proportions as the President and Directors may require, after the same becomes due

and payable, witness, our hands, this ——— day of ——— 186—, which amount shall be collectable in the proper Courts.”

Sec. 6. This said Company may receive steamships, stage coaches, wagons, horses, mules and other property and privileges, as capital stock in said Company; that no steamship or other property shall be received as stock at a higher valuation than that fixed by appraisers to be appointed by the Company. The appraisers to value said property shall be appointed by a by-law of the Company, and the mode and manner of the proceedings of said appraisers shall be specified and set forth in the by-laws appointing them; said appraisement to be returned to the Company and acknowledged for record in the proper office.

Sec. 7. That it shall be lawful for the President and Directors of the said Corporation from time to time, to borrow or obtain on loan or loans, such sum or sums of money and on such terms and at such rate or rates of interest as they, or a majority of them may deem expedient for the use of said Company, to pledge and mortgage all or any part of their estate, vessels, improvements, privileges and assets whatsoever of the said Company, for the payment of said sum or sums of money so borrowed, at such time or times as may be agreed upon, and to issue bonds with or without coupons, and convertible in whole or any part thereof into stock of said Company; and that this Act take effect from and after its passage, and may continue in force twenty-five years.

Approved November 10, 1866.

CHAPTER CLXXXI.

An Act for the relief of J. W. Vineyard and his assigns.

Section 1. Be it enacted by the Legislature of the State of Texas, That a certain Ordinance, passed by the Mayor and Board of Aldermen in the city of Corpus Christi, on the 22d day of September, A. D., 1866, recognizing and confirming J. W. Vineyard and his assigns, as contractors and agents of said city for the completion of the ship channel between Corpus Christi and Aransas Bays; the demanding and collection of tolls for transit through said channel, and the selling and transferring of the bonds of said city, issued in aid of said channel improvement; and which ordinance subrogates said contractors and agents to all the rights, privileges, franchises and immunities of the said

city of Corpus Christi, relative to said ship-channel improvement, under and by virtue of An Act of the Legislature of the State of Texas, entitled "An Act supplemental to an act to incorporate the city of Corpus Christi," approved February 11th, 1854, the said ordinance be, and the same is hereby validated and legalized in every respect.

Sec. 2. That the recognized contractors and agents of the city of Corpus Christi, for the completion of the ship channel improvement between said city and Aransas Bay, as successors to Dean S. Howard and his associates, to-wit: The said J. W. Vineyard and his assigns be, and they are hereby subrogated to and invested with all the rights, privileges, immunities and franchises heretofore vested in said Dean S. Howard and associates, under and by virtue of an Act of the Legislature of this State.

Sec. 3. That this Act take effect from and after its passage.

Approved November 10, 1866.

CHAPTER CLXXXII.

An Act to amend An Act incorporating the Town of Mount Pleasant, in Titus County, passed 28th August, 1856.

Section 1. Be it enacted by the Legislature of the State of Texas. That the corporate limits of the town of Mount Pleasant, in Titus county, shall embrace an area of one mile square, the Court house being the centre thereof.

Sec. 2. That the Mayor shall hold his courts, for such civil matters as may come before him, on the second Saturday in every month, and have authority to adjourn from day to day, until the same has been disposed of.

Sec. 3. That the Mayor and Constable shall be authorized to charge such fees for their services as Justices of the Peace and other constables are entitled under the law now in force.

Sec. 4. That this Act take effect and be in force from and after its passage.

Approved November 10, 1866.

CHAPTER CLXXXIII.

An Act to amend an act entitled an act to incorporate the Western Texas Life, Fire and Marine Insurance Company of the City of San Antonio, Texas, passed February 16, 1858.

Section 1. Be it enacted by the Legislature of the State of Texas, That the first section of the above recited act be and is hereby amended, so that it shall hereafter read as follows to-wit:

Be it enacted by the Legislature of the State of Texas, That Gustave Schleicher, John Withers, George B. Cochran, C. E. Jefferson and Joseph Dentz, and their associates, successors and assigns in office be, and they are incorporated and created a body politic and corporate, by the name and style of the Western Texas Life, Fire and Marine Insurance Company of the city of San Antonio, and by that name and style they and their successors shall have continuance and succession, for and during the term of thirty years, from and after the organization; and by such corporation name and style, shall be capable of suing and being sued, and maintaining any action to final judgment and execution; and shall be capable in law of purchasing, holding, improving and conveying any estate, real, personal or mixed, for the use of said corporation; may have a corporate seal, and shall have power to ordain, establish and put in execution such by-laws, ordinances and regulations as shall be necessary for the government thereof, and for the transaction of its own business; and it shall be lawful for said corporation, after the expiration of the charter, to use the corporate name, style and capacity, for the purpose of final settlement and liquidation of its affairs and accounts, and for the sale and disposition of its estate, real, personal and mixed, but not for any other purpose, or in any other manner whatsoever; provided, nevertheless, that said corporation shall not hold or own, at any one time, real estate amounting in value to more than one-tenth part of the stock of the company actually secured and paid in.

Sec. 2. That the second section of said act be and is hereby amended, so that it shall hereafter read as follows, to-wit: "The capital stock of said corporation shall, for the present, be two hundred thousand dollars, which may hereafter be increased to one million dollars, divided into shares of one hundred dollars each, which shares shall be deemed personal property; and such stock shall be created and paid in such manner, and at such times as the President and Directors of the corporation shall require, of which requisition at least two weeks notice shall be

given, by publication in two newspapers, printed in the city of San Antonio; and if any stockholder shall fail to pay any installment so required to be paid, he or she shall cease to be a member of said corporation, and shall forfeit his or her stock, and the share or shares, so forfeited, may be sold by said corporation in such manner as they may prescribe by their by-laws and regulations; but such forfeiture and sale of such stock shall not relieve the holder thereof, nor his or her sureties, on the notes contemplated to be given by the sixth and eighth sections of this act, from his, her or their liability on account of their notes, to any person or persons having a just claim against said corporation, which shall have accrued before such sale.

Sec. 3. That the eighth section of the said act be so amended, that it shall hereafter read as follows, to-wit: "The office of the company, incorporated by this act, shall be located in the city of San Antonio, and the stock and other books of said company shall be there kept, and so soon as the President and Directors thereof shall establish, by proof to the satisfaction of the County Court, that twenty per centum on two hundred thousand dollars of the capital stock of said company has been paid by the stockholders to the Treasurer of the company, and that the balance or residue of said two hundred thousand dollars of capital stock has been secured to be paid when called for, as contemplated in the second section of this act, by the notes of the holders of said capital stock, well secured by not less than two good and solvent persons, or by mortgage on real estate, and also shall establish, to the satisfaction of said County Court, that the direction of said corporation has been organized in conformity with the provisions of section third of this Act, then said County Court shall give a certificate thereof, which shall be their warrant to commence business operations under the authority conferred by this Act.

Sec. 4. That the ninth section of the said act be so amended that it shall hereafter read as follows, to-wit: "That any increase in the capital stock of said corporation, beyond two hundred thousand dollars, shall be, by resolution of the stockholders at their regular annual meeting, and when any such resolution shall be adopted, notice thereof shall be given, by publication for thirty days, in some newspaper published in the city of San Antonio, after the expiration of which time, subscriptions shall be received for sixty days; and if at the expiration of said sixty days, a greater amount of stock shall have been subscribed, than was ordered by the resolution of the stockholders, the amount ordered shall be equally divided among the subscribers; provided, that

persons, who shall have subscribed less than an equal portion, shall take only so much as they shall have subscribed.

Sec. 5. That this Act take effect and be in force from after its passage.

Approved November 10, 1866.

CHAPTER CLXXXIV.

An Act to incorporate the New Braunfels Manufacturing Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That George Pfeuffer, Samuel Mather and John F. Torrey, and their associates, be, and they are hereby incorporated and declared to be a body corporate and politic, under the name of the New Braunfels Manufacturing Company, and under such name may transfer their rights by succession, assignment and sale, and shall be persons in law capable of suing and being sued, pleading and being impleaded; and that they and their successors, by the same name and style, shall be, in law, capable of holding and conveying any estate, real, personal or mixed, and doing and performing all things necessary for the business of said company, not contrary to the Constitution and laws of this State; to have a corporate seal and trade mark, with such device as said company may select, and to alter the same at their pleasure.

Sec. 2. The objects of this company are declared to be, to develop and make useful certain water powers now owned and to be acquired by said company, in Comal county, on the Comal and Guadalupe rivers, and apply the same to manufacturing purposes, which shall not interfere with the rights and privileges of other chartered companies.

Sec. 3. The capital stock of said company shall be two hundred thousand dollars, with the power to increase the same to five hundred thousand dollars, by a vote of a majority of the stockholders, divided into shares of one hundred dollars each, each share entitling the holder to one vote, in person or by proxy.

Sec. 4. The management of the affairs of said company shall be conducted by a Board of Directors, and under such rules and regulations as the stockholders may determine at their first regular meeting. The said company may commence operations

whenever two hundred shares of the capital stock shall have been subscribed.

Sec. 5. That a majority of the Board of Directors of said company shall have power to pass all necessary resolutions, ordinances and by-laws for the regulation and government of said company, in its business and contracts, as are not in contravention of the Constitution and laws of the State.

Sec. 6. Said company, when it shall have been organized as provided for in Section 4, shall have, and is hereby invested with the right of locating, erecting and maintaining dams, canals, tunnels, and branches of the same, in said rivers of Comal and Guadalupe, for the purpose of motive power and manufacturing, commencing at a point or points in the Comal river between the mouth of the same and the mill of John F. Torrey on said river; provided, that the slack-water produced by said dam shall not interfere with the escape of water from the motive power of said mill, or injuriously affect said motive power; and commencing at a point or points on the Guadalupe river between the confluence of the Comal and a point not more than two miles above said confluence.

Sec. 7. Said company shall have the power to divert from the channels of said Comal and Guadalupe rivers not more than three-fourths of the water forming said rivers, and apply the same to motive power for manufacturing purposes; provided, that the water so diverted shall be used for manufacturing purposes alone, and shall be returned to the main channel of the Guadalupe river near or below its confluence with the Comal, and within the present corporate limits of the city of New Braunfels.

Sec. 8. It shall be, and is hereby made lawful for said company to enter upon and purchase or otherwise to take and to hold any land necessary for the construction of dams, canals or tunnels required to make available, and apply the motive power now owned or to be acquired by them at the points aforesaid; and if, by the erection of such dams, canals or tunnels, they shall inflict injury to the lands not owned by them, they shall, nevertheless, have the right to erect said dams, canals or tunnels, and to take and to hold such lands, or so much thereof as may be necessary for their purposes, even though they may be unable to do so by agreement with the owners thereof; but they shall pay the owners thereof such compensation as shall be determined in the manner provided in the following section.

Sec. 9. When said company and the owners of the lands required and taken or supposed to be injured by the damming of said rivers or cutting of said canals, cannot agree upon the value

and price of such land, or of the damage inflicted, the owner or owners thereof may apply to the County Judge of the county in which the land is situated for the appointment of three freeholders to act as umpires between the parties, who, after being duly sworn, and having heard both parties, shall determine the compensation to be awarded the complainant, and shall make return of their award to said County Court at its next regular term, to be by it confirmed, or may be set aside on sufficient reason shown; if confirmed, judgment shall be rendered thereupon, as in other cases—the right of appeal to the District Court being reserved to both parties; provided, however, that if pending said appeal, said company shall deposit the amount of said judgment in money, or shall execute and file with the County Clerk a bond, with securities, to be approved by the County Judge, conditioned that said company will pay such sum as shall be adjudged against said company on said appeal, then said company may erect such dam, and appropriate said land, and proceed with the work thereon. In determining the compensation to be awarded as aforesaid, the said umpires shall be governed by the actual value of the land at the time it was taken, together with whatever injury and damage may actually result, if any, to the adjoining land of the complainant by the making of said dam or other operations of said company.

Sec. 10. Any agreement in writing whereby any person becomes a subscriber to the capital stock of said company, may be enforced according to its terms. Any shares of said stock on which any amounts remain unpaid, according to the terms of subscription, may be sold at auction, by order of the directors, after giving ten days notice, as required in Sheriff's sales—the sale to take place at the office of the company; and such shares thus sold shall be thus transferred to the purchaser; and if the proceeds of said sale shall not be sufficient to pay the amount due, with interest and charges, the delinquent subscriber shall be liable to the company for the deficiency; but if said proceeds exceed the amount due with interest and charges, said delinquent subscriber shall be entitled to the excess.

Sec. 11. Said company may be dissolved by a vote of two-thirds of the issued stock; in which event, after the payment of all outstanding obligations, the lands and other possessions held by the company shall be sold at public auction, to be paid for in outstanding shares of the capital stock of the company until all such outstanding shares shall have been redeemed; and if not thus sooner dissolved, its rights and franchises shall expire by limitation in twenty-five years.

Sec. 12. Said company shall have its domicil in New Braunfels.

Sec. 13. That all laws and parts of laws coming in conflict with this charter are hereby repealed.

Sec. 14. That service of any and all legal process in any suit or proceeding against said company shall be sufficient if made upon the President or Secretary of the Board of Directors.

Sec. 15. That this act shall take effect and be in force from and after its passage.

Approved November 10, 1866.

CHAPTER CLXXXV.

An Act for the relief of Milton M. Justice.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office is hereby required to issue to Milton M. Justice a certificate for (240) two hundred and forty acres of land, for services rendered the Republic of Texas, as a private in Capt. W. D. Reed's company.

Sec. 2. That this act take effect from and after its passage.

Approved November 10, 1866.

CHAPTER CLXXXVI.

An Act transferring the proceedings of the administration of the estate of John Coleman, deceased, from the county of Hopkins to the county of Titus.

Section 1. Be it enacted by the Legislature of the State of Texas, That the administration of the estate of John Coleman, deceased, be, and it is hereby transferred from the County Court of Hopkins county to the County Court of Titus county.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved November 10, 1866.

CHAPTER CLXXXVII.

An Act to incorporate the Jasper and Angelina Petroleum Oil, Mining and Manufacturing Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That Henry C. Pedigo, John L. Graham, John M. Moore, A. M. Hobby, W. W. Flood, Peter F. Renfro and Anderson F. Crawford, their associates, successors and assigns be, and they are hereby constituted a body corporate and politic by the name and style of the Jasper Petroleum Oil Mining and Manufacturing Company, and by that name and style shall have twenty-five years succession, with power to contract and be contracted with, sue and be sued, plead and be impleaded; in that name to have a common seal, to engage in mining for petroleum or rock oil, iron, coal, salt water and the privilege of erecting works for the manufacture of said articles and other valuable minerals for market, and transportation and selling of said products within or without the State, and to have all other powers needful and proper for the successful prosecution of their business and for the execution of the powers herein granted. That said corporation may organize said company by the election of a President and such other officers and managers as they may deem necessary at such time and place as they may designate by notice previously given; and when organized the Company shall have power to make such by-laws, rules and regulations as they may deem necessary from time to time for the government and prosecution of the business of said corporation not inconsistent with the laws and Constitution of the State of Texas.

Sec. 2. That the capital stock of said Company may amount to three millions of dollars. The said Company may buy, lease, or rent any suitable lands, mines, oil, iron, coal and salt rights and privileges, rights of way and other property necessary for their business, and may dispose of the same by sale or otherwise; they may receive real estate, lease and hold mining rights and rights of way and other property in payment of such part of subscription or stock as they may deem advisable.

Sec. 3. Said Company may erect and build on any of the lands such buildings, engines, machinery and fixtures as may be deemed convenient and proper for carrying on and conducting the said business of said corporation within the counties of Jasper, Angelina and Nacogdoches.

Sec. 4. That the principal office of said Company shall be in Jasper county, and that service may be made thereon by ser-

vice upon the President or Secretary thereof, or at some point in Jasper, or Angelina, or Nacogdoches counties, as the Company may select and establish by giving notice in some newspaper for four weeks of the establishment of said office; provided, that the principal office of said Company may be moved to any other point within this State by the officers of the said Company giving notice for one month previous to such removal, in the nearest newspaper, of their intention and the point to which the same is removed.

Sec. 5. That this Act take effect and be in force from and after its passage.

Approved November 10, 1866.

CHAPTER CLXXXVIII.

An Act amending the Charter of the City of Indianola and extending the boundaries of said City.

Sec. 1. Be it enacted by the Legislature of the State of Texas, That an act incorporating the city of Indianola, (passed September 1st, 1856,) be, and the same is hereby amended, so as to extend and enlarge the boundaries thereof as follows: Beginning at the centre or middle of the mouth of Powder Horn Bayou, thence down Matagorda Bay along the shore three-fourths of a mile, thence in a southwest course at right angles with the Bay shore one and a half miles; thence in a northwest course parallel to the general course of the Bay shore three and three-fourth miles; thence in a northeast course at a right angle with the general course of the Bay shore until it reaches the Bay; thence down the Bay to the place of beginning; and the area contained in the foregoing limits shall be the corporate limits of the city of Indianola: provided, however, that nothing herein contained shall, in any way, retrench any authority or jurisdiction (vested in said city by her charter hereby amended,) for police or sanitary purposes over the Bay or shores thereof contiguous to said city: provided, that the city of Indianola, or the corporate authorities thereof, shall have no authority to levy or collect any tax from that portion of the limits of the city below or south of Powderhorn Bayou, nor on any portion of the land included by this amendment of her charter, that exceeds her former limits.

Approved November 10, 1866.

CHAPTER CLXXXIX.

An Act to incorporate the Houston Savings Investment Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That B. A. Botts, Robt. Brewster, W. P. Hamlin, E. W. Cave, W. D. Robinson, A. J. Stanley, C. S. Longcope and E. H. Cushing, and their associates and successors are hereby created a body corporate and politic under the name of the Houston Savings Investment Company, by which name they may sue and be sued, plead and be impleaded, may sell and hold property, and generally do all the acts necessary and proper to be done in carrying out the objects of the Company.

Sec. 2. The capital stock of the Company shall not be less than fifty thousand dollars, and it may be increased at the discretion of the Directors to five hundred thousand dollars. The stock shall be divided into shares of one hundred dollars each, payable as follows: Five dollars per share shall be paid at the time of subscribing, and two dollars per share, per month, shall be paid after the first month until the whole is paid. And it is provided that whenever any stockholder shall at any time make default in the payment of his assessments, his stock shall be sold at public auction by the Secretary of the Company after ten days notice, and should the proceeds of the sale not be sufficient to pay the amount due, the Company shall have claim for the balance due by suit at law, and judgment against the defaulting stockholder; but should the amount realized be more than sufficient to pay the amount due and costs of notice, then such excess shall be paid over to the defaulting stockholder, and any and every such sale, made in conformity with these provisions, shall constitute an absolute conveyance of the stock, in fee simple, to the purchaser, who then assumes all the liability of the original stockholder for future assessments, releasing the said original stockholder from all further claims of the Company arising from the stock so sold.

Sec. 3. Whenever there shall be five hundred or more shares, representing fifty thousand or more dollars, subscribed for, and five dollars per share paid in, the aforementioned corporators, or any three of them who may have charge of the subscription book and funds, shall call a meeting of the subscribers, and when such meeting is organized, turn such book and funds over to them. In such meeting, as in all meetings of the stockholders, each person shall be entitled to one vote for each share

held by him of the capital stock. Said meeting shall by ballot of stock elect seven Directors to whom the management of the affairs of the association shall be entrusted. No person shall be eligible to the office of Director who does not own at least five shares of stock. The said Directors shall then elect a President and Vice President from the members of their board, and a Secretary, who shall also be the Treasurer of the association, from the general body of the stockholders. The Directors may establish by-laws, dispose of the funds of the Company, and carry out the objects of the organization. They shall hold their office for one year, and until their successors shall be elected. They shall exhibit the condition of the affairs of the Company at each annual meeting of the stockholders, which annual meeting shall be held on the Wednesday at or next after the anniversary of the organization of the Company. At each annual meeting of the stockholders an election for Directors for the ensuing year shall be held.

Sec. 4. The object of this Company is declared to be, to effect a means of profitable investment of the earnings and savings of its stockholders. The Company shall therefore, at the discretion of its Directors, invest the funds from time to time in such real estate, leases of real estate, et cetera, as may appear eligible to the furtherance of its objects, in or near the city of Houston. It may borrow money on its bonds, erect buildings, lease them, and enjoy all the rights of landlord that are enjoyed by any individual citizen. It may undertake the erection or construction of any public building, bridge, or other work in the city of Houston, and accept from the corporation of the city such compensation as may be agreed upon.

Sec. 5. The Secretary of the Company shall keep a register of the stock, and no transfer of the stock shall be valid until made a matter of record in the Secretary's office. He shall issue certificates of all assessments, made in such manner as the Directors may agree.

Sec. 6. This act shall take effect from its passage and remain in force twenty-five years; provided, that the books of subscription shall be opened within sixty days of the passage hereof, and the Company shall be organized within one year from the time the books are opened; and further provided, that nothing contained in this act shall be construed to confer the right of banking, or banking privileges, upon said Company.

Approved November 12, 1866.

CHAPTER CXC.

An Act supplemental to an act to incorporate the Houston Direct Navigation Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That the act incorporating the Houston Direct Navigation Company, passed at the present session of the Legislature, shall continue and be in force for a period of thirty years from its passage.

Approved November 12, 1866.

CHAPTER CXCI.

An Act granting to Michael A. McBride the privilege of constructing a Ferry across Red River.

Section 1. Be it enacted by the Legislature of the State of Texas, That the privilege is hereby granted Michael A. McBride, his heirs or assigns, and he or they are hereby authorized to construct a ferry across Red River at a point known as the Overland Mail Crossing, in the county of Grayson, in this State; and that the privilege hereby granted shall extend and inure to the said Michael A. McBride, his heirs or assigns, for and during the space of twenty-five years, from the passage of this act.

Sec. 2. That the said Michael A. McBride, his heirs or assigns, shall be bound, during the term aforesaid, to keep in good order, a boat, or flat, sufficient at all times to transport and ferry across said Red River all wagons, horses, cattle, persons, and property, with safety and convenience, and to keep and maintain the bank on the Texas side of said river, to low water mark, so as to insure the safe embarkation of all persons and property ferried across said river at said ferry.

Sec. 3. That this act shall not be construed so as to prevent parties owning the ferry privilege granted by the authorities of the Chickasaw Nation, to parties on the east or north side of the river from landing on the Texas side; provided, the parties owning the ferry privilege on the Chickasaw side of the river grant to the said McBride and his successors the right to land on the said east or north bank, then, in such case, the parties aforesaid shall have the right to land on the Texas side, without hindrance.

Sec. 4. That whenever said ferry shall have been examined,

and reported in good order and repair, by the commissioners appointed for that purpose, in the manner prescribed by law, the proprietor may demand and receive from all and every person passing over said ferry such rates of toll as the Police Court of Grayson county may direct; which rates of toll shall be entered on the minutes of said Police Court.

Sec. 5. That the County Court of Grayson county shall appoint two commissioners, on the application of said proprietor of the said ferry, citizens of said county, whose duty it shall be to examine and approve said ferry, and report the same, when completed, to said court, at a regular meeting thereof.

Sec. 6. That the said Michael A. McBride, his heirs or assigns, shall annually execute and deliver to the County Court of Grayson county, a bond, in the same manner as required of persons licensed to keep a public ferry, by the County Court; and such proceeding may be had on any bond so given by the said McBride, his heirs or assigns, as on bonds required by law to be given by ferrymen generally.

Sec. 7. It shall not be lawful for any person to erect any toll-bridge, or establish a ferry, within three miles of the location of this, during the period of time allotted to the said McBride, his heirs or assigns.

Sec. 8. That this Act take effect and be in force from and after its passage.

Approved November 12, 1866.

CHAPTER CXCI.

An Act to incorporate the Real and Personal Estate and Building Company of Galveston.

Section 1. Be it enacted by the Legislature of the State of Texas, That Nathan Thomas, John Sellers, M. V. McMahon, J. C. Massie, William Brady, J. M. Swisher, George Ball, M. F. Thompson, Wm. H. Thomas, Charles H. Lee, E. S. Woods, and their associates and successors, be and they are hereby created and constituted a body corporate and politic, under the name and style of the Real and Personal Estate and Building Company of Galveston, with capacity in and under said corporate name, to make contracts, to hold, buy, and sell property, both real and personal, to contract and execute leases and rents, to take grants and gifts, to execute and take deeds, mortgages, and

deeds of trust, to have succession, and a common seal, to make by-laws for the government and regulation of its affairs, to sue and be sued, plead and be impleaded, to declare dividends, and make divisions of property and money, and to do and perform all such acts and things as may be necessary and proper for or incident to the fulfillment of its obligations and maintenance of its rights under this act, not inconsistent with the Constitution and laws of the State of Texas.

Sec. 2. The officers and managers of this company shall consist of seven Directors, and one Treasurer and Secretary, to be elected by the stockholders from among themselves. There shall be one President and Vice-President, to be chosen from and by the Board of Directors. Such officers shall receive such compensation as the by-laws may provide, and their term of office shall be for one year, or until their successors are elected, subject to be removed, in such manner as the by-laws may prescribe; the elections to be held yearly, at such time as may be agreed upon by the company.

Sec. 3. The capital stock of said company shall be five hundred thousand dollars, to be divided into shares of one hundred dollars each, and each share to be entitled to one vote. Property, real or personal, may be received for, or as stock, as may be agreed upon by the Directors.

Sec. 4. When fifty thousand dollars are subscribed, and twenty per cent. paid thereon, an organization may take place in the city of Galveston—the capital stock to be paid in such installments as the company may direct; and any stockholder failing or refusing to pay such installments, shall, after thirty days notice, forfeit such stock, which may be sold to the highest bidder, after notice, allowing the owner fifteen days in which to redeem the same. The principal office of this company shall be located in the city of Galveston.

Sec. 5. Books of subscription shall be opened under the supervision and direction of N. Thomas, John Sellers, and George Bali; and when the required amount is subscribed and paid in, they shall give notice, and proceed to organize said company.

Sec. 6. That this act of incorporation shall be in full force and have effect from and after the date of its passage, for and during the period of twenty-five years.

Approved November 12, 1866.

CHAPTER CXCIIL.

An Act to incorporate the town of Hillsboro, in Hill county.

Section 1. Be it enacted by the Legislature of the State of Texas, That the citizens of the town of Hillsboro, in Hill county, be, and they are hereby declared, a body corporate and politic, under the name and style of the corporation of the town of Hillsboro, and by that name shall have power to sue and be sued, plead and be impleaded, and to hold and dispose of real and personal property; provided, such real property is situated within the limits of said corporation.

Sec. 2. That it shall be the duty of the citizens of said corporation to elect a Mayor, five Aldermen, a Collector, and Constable; and a Treasurer and Secretary shall be selected by said Aldermen from their own number. The Treasurer and Collector shall be required to give bond with security, to be approved by the presiding officer, for the faithful performance of their duties, and to make reports, when required by the Mayor or Board of Aldermen; and the Mayor shall have power, when necessary, to suppress riots and disturbances, and to call out the citizens of said corporation, for the purpose of restoring order; and the Collector also to act as Assessor, if so required by the Board of Aldermen.

Sec. 3. That the first election shall be held on the first day of January, 1867, under the County Judge of said county, after having given ten days notice thereof, and annually thereafter, under the direction of the Mayor; at least ten days notice of said election shall be given, and in case of the death or resignation of the Mayor, then the Aldermen shall elect one of their own body to act as Mayor until the next annual election; and in case of the death or resignation of any of the Aldermen or other officer of said corporation, said vacancy shall be filled by election, or otherwise, as directed by the Mayor, until the next annual election.

Sec. 4. That no person shall be eligible to any office under the provisions of this charter who is not a citizen of this State, and a resident within the limits of this corporation; nor shall any person have a right to vote for officers who is not a citizen and resident within its limits.

Sec. 5. That the Mayor and Board of Aldermen of said corporation shall have power to pass such rules and ordinances as may be necessary for the regulation of the police and the preservation of order within the corporate limits; to levy taxes for

the removal of nuisances, and keeping the streets in good order, and to prescribe penalties for the violation of the ordinances and by-laws of the corporation; provided, that in no case such penalties shall exceed one hundred dollars.

Sec. 6. That the limits of said corporation shall be as follows, viz: Begin on south-east branch of Hackberry Creek, at a point north of the dwelling house of J. W. L. Sturgess; thence down said branch to its junction with the main Hackberry Creek; thence down said creek to the Morrison Crossing on said creek; thence east, to a point south of J. W. L. Sturges's dwelling house; thence north, to the beginning, so as to include said J. W. L. Sturgess; and that the citizens who reside within said corporation shall be exempt from road duty, except such as may be imposed upon them by the Board of Aldermen, in keeping up and paving the streets of said town.

Sec. 7. That the Mayor, with a majority of said Aldermen, shall constitute a quorum for the transaction of business, and shall enact and enforce such rules and regulations as they may deem necessary for the government of said corporation; provided, that the same do not conflict with the Constitution and laws of this State.

Sec. 8. And that this act take effect and be in force from and after its passage.

Approved November 12, 1866.

CHAPTER CXCV.

An Act to incorporate the Island City Manufacturing Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That J. S. Sellers, John M. Swisher, Gustave Ranger, William Brady, John L. Sleight, and Morgan McMorris, and their associates and successors, be and they are hereby declared to be a body corporate and politic, under the name and style of the Island City Manufacturing Company, with capacity to make contracts, sue and be sued, plead and be impleaded, to have succession, and a common seal, to make by-laws for the government and regulation of its affairs, to hold and convey real, personal and mixed property, necessary for effecting the object of said company, and to do and perform all other things necessary and incident to fully carrying into effect the purposes of said company; provided, that the persons named in this section shall

only act as commissioners for the purpose of obtaining subscriptions to the capital stock of said company, and that the stockholders shall organize said company in the manner hereinafter provided

Sec. 2. That said company shall have the right to own, erect, establish, maintain and operate, buildings and machinery, with all necessary fixtures, in or near the city of Galveston, for the manufacture of cotton and woolen goods and other fabrics, rope, flour and meal; also the dressing of lumber, and other materials for building purposes.

Sec. 3. That the capital stock of said company shall not exceed five hundred thousand dollars, to be divided into shares of one hundred dollars each, and the holders of said shares shall constitute said company, and each member shall be entitled to one vote, by person or written proxy, for each and every share he or she may own upon the books of said company, and under such rules and regulations as may be prescribed by the by-laws of said company, and that said shares shall be transferable only on the books of said company.

Sec. 4. The business and corporate powers of said company shall be under the control of a Board of Directors, composed of not less than three nor more than seven stockholders, to be elected by the stockholders; the first election to take place at such time and place as the stockholders may determine, and shall hold their office until the first Monday in March thereafter, and shall be elected on that day of each year thereafter; but a failure to hold the election, shall not dissolve the corporation, but the Board in office shall continue to act until their successors are elected; any vacancy occurring during the time for which the Directors are elected to serve, shall be filled by the Board.

Sec. 5. That said Board of Directors shall have the right to elect a President from among their number, and appoint such other officers and agents as they may deem proper and necessary for conducting the business of the company, and to remove the same at pleasure.

Sec. 6. Said Directors shall have the power to prescribe the time for the payment of installments on stock, and to enforce the same, in such manner as the by-laws of said company may provide.

Sec. 7. This act shall take effect and be in force from and after its passage, and shall be in force for twenty-five years.

Approved November 12, 1866.

CHAPTER CXCV.

An Act for the relief of Mrs. Mary Benton.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby required to issue to Mrs. Mary Benton a certificate for six hundred and forty acres of land, which may be located on any of the unappropriated public domain of the State; and that this Act take effect from and after its passage; provided the parties make the proof that B. Bradley and B. B. Bradley are one and the same person.

Approved November 12, 1866.

CHAPTER CXCVI.

An Act to authorize and require the Commissioner of the General Land Office to issue to the heirs of Jose Angel Navarro, a certificate for one labor of land.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be authorized, and is hereby required to issue to the heirs of Jose Angel Navarro, a certificate for one labor of land; provided, proof is made to the Commissioner of the General Land Office that Jose Angel Navarro and Angel Navarro are one and the same person.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved November 12, 1866.

CHAPTER CXCVII.

An Act for the relief of the heirs of Berry Doolittle.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be authorized and required to issue to the heirs of Berry Doolittle, a certificate for one league of land, which may be located on any of the vacant public domain of the State of Texas.

Sec. 2. This Act to take effect from and after its passage.
Approved November 12, 1866.

CHAPTER CXCVIII.

An Act to incorporate a Horse Railroad from Houston to Harrisburg.

Section 1. Be it enacted by the Legislature of the State of Texas, That E. W. Cave, Joseph F. Crosby, Will Powers, J. W. Lawrence and such other persons as they may associate with, and their successors in office, are hereby created into a body corporate and politic, under the name of the Houston and Harrisburg Horse Railroad Company, for the purposes hereinafter stated, and in this name and style shall have full power to sue and be sued, plead and be impleaded, and to do and perform all other acts, and exercise all the rights and privileges, and be endowed with all the power incident to Corporations.

Sec. 2. That the said Company be, and is hereby established with the right to construct and run a Horse Railroad from any point on the Southern boundary line of the city of Houston they may select, terminating at the town of Harrisburg; provided, that they shall first obtain the right of way from the persons owning the land on the route selected for said road.

Sec. 3. That the capital stock of said Company shall be the amount actually paid in by the stockholders at any time; provided, that the capital stock shall not exceed one hundred and fifty thousand dollars, and shall consist of all its property, real, personal or mixed, choses in action, franchises or rights to property inchoate or perfected, and shall be divided into shares of one hundred dollars each, and be deemed and considered in law personal property and estate, and be transferable by any conveyance in writing, recorded by the proper officer of said Company in books to be kept for that purpose at its office.

Sec. 4. That the above named incorporators shall be, and are hereby constituted a provisional Board of Directors, a majority of whom shall constitute a quorum, and shall have power to open books for subscription to the capital stock of the Company, and as soon as it shall be ascertained that twenty thousand dollars shall have been subscribed they shall call a meeting of the stockholders, who shall organize the Company by the election of a new Board of Directors, and this Corporation shall go into op-

eration. The Board of Directors shall be authorized to fix the instalments upon subscriptions and determine the times and manner of payment, all of which may be changed from time to time at their discretion. They shall be authorized to receive in payment of stock, money, bonds, land or any kind of property, upon such terms as they may deem proper.

Sec. 5. That the business of the Company shall be conducted by a Board of five Directors, who shall be stockholders, three of whom shall constitute a quorum. The Directors shall be elected by the stockholders, each share being entitled to one vote, which may be given in person or by proxy. The election for Directors shall be held by the Commissioners selected by the stockholders for that purpose. The first Board elected shall hold their office for one year from the date of their election, and the election for Directors shall be held annually thereafter; but a failure to hold the election shall not dissolve the Corporation, but the Board in office shall continue in office until their successors are elected, A majority of the stock subscribed shall be necessary to hold the first election for Directors. At the subsequent and annual elections the stock present and represented shall be competent to elect. Any vacancy occurring during the time for which Directors are elected to serve, may be filled by a vote of the Board. All elections for Directors shall take place at the office of the Company.

Sec. 6. That the office of the Company shall be at the city of Houston; that the Board of Directors shall, at their first meeting after their own election, elect a President and Secretary, and fix their salaries, which shall not be increased during the time for which they shall have been elected. The Board of Directors shall have power to remove their officers at their pleasure and elect others in their place. The President of the Company is the officer designated as the one on whom legal service of all process or citation shall be made, and the Company shall be bound by service of process or citation whether made on the President in person or left to his address at the office of the Company, in the hands of any of its officers.

Sec. 7. That the President and Directors may make by-laws to regulate the issue of stock certificates, the declaring and paying of dividends and for the proper and regular transaction of business. and may repeal, change, alter or amend the same at any time they may deem proper.

Sec. 8. That the said Company shall be required to commence the construction of the said Horse Railroad within one year

from the date of the passage of this Act, and that within five years the same shall be completed to the terminus thereof.

Sec. 9. That the said Horse Railroad shall be constructed after the style of similar roads in other parts of the United States, and shall be used solely for the conveyance of passengers to and from the city of Houston, or to any point on the route, or at the terminus of said road, and for the conveyance of the market, garden and dairy produce raised by the people residing on or near said route to the city of Houston; that the cars of said road shall be required to stop at any point on said route to receive or discharge passengers, the said Company being allowed to regulate the time to be consumed in said stoppages.

Sec. 10. That the said Company shall be privileged to charge and collect from each and every passenger carried over said road, a sum not to exceed ten cents for the first mile and five cents for each subsequent mile; that they may commute such charges and establish from time to time such a tariff of fare as they may see proper, not exceeding the limit above prescribed, and for the transportation of market produce such rate as may be reasonable.

Sec. 11. That the said Horse Railroad shall be privileged to cross any railroad or county road now in operation or to be put in operation between the city of Houston and the point of its terminus, but it shall not obstruct the passage of vehicles on any such county road; that the said Railroad track shall at all times be kept in proper repair, and be provided with passenger cars, so as to secure the safety and convenience of passers thereon; that the track and road-bed of said road shall be held to be the property of said Company, and shall not be obstructed or used by the vehicles of any other persons than them, except for the crossing of the same.

Sec. 12. That the President and Directors shall keep a record of the proceedings of their own meetings, and of the meetings of the stockholders, and accurate books of accounts of all the receipts and expenditures to show the condition of the Company, and a registry of the issue and transfer of all certificates of stock, which books and accounts shall be open at all times to the examination of the stockholders. All transfers, contracts and conveyances made in pursuance of a vote of a majority of said Board of Directors, executed in writing and signed by the President, and countersigned by the Secretary, shall be valid and binding in law, and have the same force and effect as if done by a natural person. The President and Directors shall be authorized to mortgage the property of the Company to secure

the payment of money borrowed or any debts contracted by the Company.

Sec. 13. That this Charter may be altered or amended from time to time, by the Legislature of the State of Texas, upon the petition of stockholders holding or representing two-thirds of the capital stock of the Company, setting forth the nature of the changes or amendments desired.

Sec. 14. That this Act shall take effect from and after its passage, and continue in effect for twenty-five years.

Approved November 12, 1866.

CHAPTER CXCIX.

An Act to incorporate the Contractors' Association.

Section 1. Be it enacted by the Legislature of the State of Texas, That Duff Green, George W. Carter, Edmond C. Pechin, W. S. Reed, John H. Herndon, B. E. Green, and such other persons as they may associate with them, and the owners of the shares herein authorized to be issued, be, and they are hereby made a body politic and corporate, under the name and style of the "Contractors' Association;" and under that name may purchase, have, hold, possess and acquire, by any lawful means, any estate or property, real or personal, and the same may use, lease, let, sell, mortgage, transfer and convey; and may sue and be sued, plead and be impleaded, contract and be contracted with, and have, possess, exercise and enjoy all the rights, powers, franchises and privileges which are or may be necessary or proper for them to have, use, possess, exercise and enjoy, to enable them as a company to manufacture iron and steel, or any other article of commodity whatsoever, and also to contract for the construction of houses, bridges, railroads, canals, or any other work or improvement, public or private, and to do and perform whatever may be proper for them to do in furtherance of the contracts so made, and to enable them to make the labor available in the proper development of their property and the fulfillment of their contracts. And the said corporation shall have its principal office in the city of Houston.

Sec. 2. The capital stock of the said company shall consist of shares of one hundred dollars each; and when fifty thousand dollars shall have been subscribed, the persons named in section one may organize the company by the election of five or more

directors; and the directors, for the time being, may, for and in behalf of the company, exercise, have and enjoy all the rights, powers, franchises and privileges which are herein given to the said company, and may make by-laws, rules and regulations, for the management of the company, and may, from time to time, increase the resources of the company by borrowing money on a pledge of the property of the association, or without such pledge, or by new subscriptions; and the shareholders shall be bound, each for himself or herself, to pay the sums by them respectively due upon the shares held by them, and the sums thus due or to become due having been paid, such shareholders shall not be liable for any further payment on account of such shares.

Sec. 3. The by-laws may prescribe the number of, and the manner in which the directors, officers and agents of the company shall be selected, and may prescribe their terms of service, powers, duties and compensation; and until a further organization is made, the persons named in section one shall be a Board of Directors, a majority of whom are hereby authorized to act, with all the rights, powers and privileges herein given to the company.

Sec. 4. This act shall take effect from and after its passage, and continue and be in force for thirty years.

Approved November 12, 1866.

CHAPTER CC.

An Act to incorporate the Texas Producing Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That William G. Webb, his associates, successors and assigns, be, and they are hereby constituted a body corporate and politic, under the name and style of "The Texas Producing Company;" and under said name and style shall have power to purchase, take, hold, sell and convey real, personal and mixed property; make contracts; have succession and a common seal; to make, repeal, alter and amend, either in person or through the President and directors, or in both manners, by-laws for the government of the company, the sale and management of its property, and the control of its business, officers, agents and employees; and may sue and be sued, plead and be impleaded, and have all legal and equitable remedies allowed by law, and generally may do and perform such acts as may be necessary,

proper or incident to the fulfillment of the objects in view, not in contravention with the Constitution and laws of the United States and of this State.

Sec. 2. Said company shall also have power to manufacture cotton, wool, silk and linen thread, rolls, cloth, paper and other goods from said materials or other materials; also, molasses, syrup, flour, meal, sulphur, nitre, powder, oil, drugs, medicines, and other articles known to commerce; also, arms, implements, machinery, vehicles and tools of all kinds; also, to purchase and work oil wells, and mines of coal and metals, and to make iron, steel and lead, and to refine oils; also, to gin cotton, and saw lumber, and sell or use it in their business; and also to raise farm produce and domestic animals; and also to bore artesian wells, or to exercise such of said powers in this section provided as may be agreed upon from time to time.

Sec. 3. The officers of the company shall be a President, and such others as the by-laws may provide for, to be elected or appointed as therein directed.

Sec. 4. The business and enterprise of the company may be carried on at one or more places; but the by-laws shall designate one place in this State where the office and residence of the president shall be, and this place shall not be changed without giving one month's notice, in some newspaper printed in the county to which such change may be made, or if none therein be published, then in some newspaper in the nearest adjoining county where one is published. In all cases where process or notice is necessary, it shall be sufficient to serve it on the president, either in person or by leaving it with some adult white person, at the office of the president in case he cannot be found.

Sec. 5. No stockholder shall be liable for a greater amount than the stock subscribed, and stock may be forfeited for non-payment, in part or whole of the stock subscribed, in such manner as in the by-laws may be prescribed; but, in case such forfeiture should be declared, the liability of the stockholder suffering the forfeiture shall thenceforward cease.

Sec. 6. The by-laws may require bonds, with or without security, from the officers, agents or employes of the company, or any of them, conditioned and to be approved as prescribed in such by-laws; and upon the breaking of the conditions of such bonds, a recovery may be had for the actual damage, and interest thereon, not exceeding, however, the penalty of the bond.

Sec. 7. Stock in the company shall be personal property, and shall be assignable only upon the books of the company, in the manner prescribed in the by-laws.

Sec. 8. The amount of capital stock, and what shall constitute a share, shall be fixed in the by-laws, and in them, also, shall be provided how the stock shall be payable, and what stock shall be entitled to representation in meetings of the stockholders, and under what circumstances proxy representation shall be allowed.

Sec. 9. Said Webb shall have power to take subscriptions for stock; and after twenty-five thousand dollars have been subscribed, he shall call a meeting of the stockholders, at a time and place designated in the notice, and shall give each subscriber for stock ten days' notice of the meeting; and at said meeting, or a subsequent one, if a majority of the stock subscribed be represented, an organization of the company shall be had.

Sec. 10. That this act take effect and be in force from and after its passage.

Approved November 12, 1866.

CHAPTER CCI.

An Act to authorize H. W. Davis, of Hays county, to erect a dam across the San Marcos River, in Hays county.

Section 1. Be it enacted by the Legislature of the State of Texas, That H. W. Davis be, and he is hereby authorized to erect a dam across the San Marcos river, at a point above, and not further than one hundred and fifty yards from what is known as Cheatham's Ford, on said river, and to divert so much of the water of said river as may be necessary for mill purposes; provided, the water so diverted shall be returned to the natural channel of said river within one half a mile from the point of diversion; and provided further, that the ordinary stage of water in said river above said dam shall not be raised thereby more than two and a half feet, and shall not interfere with the crossing of said river at the crossing of the Austin and San Antonio road, passing through the town of San Marcos.

Sec. 2. That the said Davis may attach the structure of said dam with either bank of said river, upon paying to the proprietors of the land on the margin of said stream such damages as may be awarded by three freeholders, citizens of Hays county, one of whom shall be selected by each party, and the third to be selected by the two referees selected by the parties; and that this Act take effect from its passage.

Approved November 12, 1866.

CHAPTER CCII.

An Act to Incorporate the town of Marlin, in Falls County.

Section 1. Be it enacted by the Legislature of the State of Texas, That the citizens of the town of Marlin, in Falls county, be, and they are hereby declared a body politic and corporate, under the name and style of "The Corporation of the town of Marlin," who shall have the power of suing and being sued, plead and be impleaded, and to hold property both real and personal within the limits of said corporation, and at pleasure to dispose of the same.

Sec. 2. That it shall be the duty of the Chief Justice of the county, to order an election, to be holden as early as practicable after the passage of this Act, upon giving ten days' notice thereof, for the election of one Mayor and five Aldermen, a Collector or Constable, a Treasurer and Secretary, who shall hold their offices for the term of one year from the time of their election, or until their successors shall be qualified. In case a vacancy occurs by death, resignation, or otherwise, the vacancy of the unexpired term shall be filled by a new election as follows: In case of a vacancy of the office of Mayor, then the election to be ordered and held by a quorum of the Board of Aldermen, and in case of a vacancy of the Board of Aldermen, Collector, Treasurer or Secretary, the election shall be ordered and held by the Mayor in either case, giving ten days notice of said election; and all persons residing within the limits of said corporation shall be entitled to a vote for the above named officers, who may be entitled to vote for members of the Legislature.

Sec. 3. That the Mayor and a majority of the Board of Aldermen shall constitute a Board to transact business.

Sec. 4. That the Collector, Treasurer and Secretary, shall give bond in such sums and with such securities as shall be approved by the Mayor and Board of Aldermen, and that all officers elected by virtue of this Act, before entering upon the duties of their offices, shall take and subscribe an oath for the faithful discharge of their respective offices.

Sec. 5. That it shall be the duty of the Mayor to cause an election to be holden annually, at least ten days previous to the expiration of his term of office, for all the officers mentioned and required to be elected by this Act, who shall enter upon the duties of their respective offices, upon the expiration of the term of their predecessors.

Sec. 6. That the Mayor shall have jurisdiction, and exercise

the powers now conferred by law on a Justice of the Peace in criminal cases, and also over of all offenses committed against the ordinances and decrees of the Mayor and Aldermen, within the limits of the corporation.

Sec. 7. That the Mayor and Aldermen shall have power to pass such ordinances and decrees as they may think necessary to the establishment of the schools, and in the support of education; for the regulation of the police, and the support of good order, to prescribe penalties, to levy taxes, for the removal of nuisances, keeping the streets in order, and such other purposes as the Board may deem necessary and proper, within the limits of said corporation; Provided, that such ordinances and decrees shall not conflict with the laws and Constitution of this State.

Approved November 12, 1866.

CHAPTER CCIII.

An Act to Incorporate the Colorado Cotton and Woolen Manufacturing Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That G. W. Smith, C. W. Tait, Isam Torlie, W. J. Jones, S. J. Redgate, A. M. Campbell, W. Pinchback, J. W. E. Wallace and F. Bomaro, and their associates and successors be, and they are hereby created a body corporate and politic, under the name and style of the "Colorado Cotton and Woolen Manufacturing Company," situate at the town of Columbus, in Colorado county, Texas, for the purpose of manufacturing cotton and woolen fabrics, and by that name to sue and be sued, plead and be impleaded, and do and perform all other acts incident to corporations.

Sec. 2. The capital stock of said company shall not exceed the sum of five hundred thousand dollars, to be divided into shares of one hundred dollars each, said shares to be transferable by assignment on the books of the company.

Sec. 3. Said company shall have the privilege of conveying the water of the Colorado river across the bend of said river, above the town of Columbus, by a canal or otherwise, and using the same for manufacturing purposes; Provided, said company shall not change the course of more than one-third of the water in said stream.

Sec. 4. The company shall be governed by the laws of the

State regulating the right of way to Railroad companies, in obtaining the right of way through the land of individuals, through which the same may pass, and for the necessary grounds for a basin, and to erect the necessary buildings on, and to carry on said manufacturing business for twenty-five years.

Sec. 5. The company shall be empowered and authorized to hold in its corporate name, such real and personal estate as may be necessary to carry on said business.

Sec. 6. The persons named in this charter shall, as soon as practicable, appoint one of their number to open books for subscription to the capital stock of said company, and so soon as the sum of one hundred thousand dollars shall have been subscribed, and five per cent. paid in, the stockholders shall, at a day appointed, meet at the office of the company and elect a Board of seven Directors; Provided, a majority of the stock subscribed shall be represented in person, or by proxy, each share present in person, or by proxy, to be entitled to one vote.

But no person shall be eligible to the office of Director who does not own at least ten shares of stock.

The seven persons receiving the highest number of votes, shall be (if eligible) duly elected. The Directors so elected shall choose one of their number President, and elect a Secretary and Treasurer, who shall constitute the officers of the company.

Sec. 7. The Directors elected at the first election under this charter, shall hold their offices until the first Monday of January next, and on that day of each year, the stockholders shall hold an election at the office of the company, and elect a Board of seven Directors, but should the stockholders fail to elect a Board on that day, the old Board shall continue in office until a majority of the stockholders shall elect their successors.

Sec. 8. The Board of Directors shall have power to establish such by-laws and regulations as may be necessary for the transaction of the business of the company.

Sec. 9. The company shall have its office in the town of Columbus, and the Board of Directors shall all be residents of the State of Texas.

Sec. 10. All contracts, releases, deeds and certificates of stock, shall be signed by the President, and countersigned by the Secretary and one of the Directors and attested with the seal of the company.

Sec. 11. And this Act to take effect from and after its passage.

Approved November 12, 1866.

CHAPTER CCIV.

An Act to incorporate the New Braunfels Woolen Manufacturing Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That William D. Parish, B. F. Dane, Richard M. Lincoln, and their associates and successors, be, and are hereby declared and constituted a body politic, under the name and style of the New Braunfels Woolen Manufacturing Company.

Sec. 2. That the said company shall have capacity to make contracts, to have succession, and a common seal, to make by-laws for the government and regulation of its affairs, to sue and be sued, to plead and be impleaded, to acquire and hold personal and real estate, to grant and receive and generally to do and perform all acts that may be necessary for the fulfilment of its obligations, and maintenance of its rights under this act, which are not inconsistent with the Constitution and laws of this State.

Sec. 3. That the said company shall have the right to construct, own, maintain, and carry on an establishment for the manufacture of woolen goods and woolen fabrics of all kinds, on the Comal Spring Creek, on Guadalupe river, in Comal county, and shall have the right to construct, own, and maintain such buildings, dams and machinery as may be necessary to carry out the provisions of this charter; Provided, the same shall not interfere with the vested rights of other corporations or individuals.

Sec. 4. That the capital stock of said company shall be divided into shares of one hundred dollars each, and the holders of the shares shall constitute the company, and said capital stock shall not exceed three hundred thousand dollars.

Sec. 5. That the immediate control and direction of the affairs of the company shall be vested in a Board of Directors, not less than three nor more than five, composed of stockholders; and a majority of said directors shall constitute a quorum to do business, and shall continue in office until an election, the time of which shall be fixed by the board; said directors shall elect one of their own number as President of the company.

Sec. 6. The parties mentioned in the first section of this act and their associates, are hereby invested with the power of organizing said company, and of choosing the first board of directors, at such time and place as they shall see fit.

Sec. 7. That the directors shall have power to appoint a treasurer, and such officers and agents as shall be necessary. They shall have power to dispose of the capital stock in such

manner, in such proportion, and on such terms, as they may deem best for the interests of the company; any agreement in writing, whereby any person shall become a subscriber to the capital stock of the company, may be enforced against him, according to its terms. If any subscriber shall fail to pay the amount due upon shares subscribed for by him, according to the terms of his subscription, the directors may, after twenty days public notice, sell at auction the shares of said delinquent, and transfer the property to the purchaser.

Sec. 8. That the said company shall be entitled to the benefits of any acts of the Legislature granting any land, bonus or loan to companies or individuals engaged in similar manufactures.

Sec. 9. That this act take effect from and after its passage, and continue in effect for the term of twenty-five years.

Approved November 12, 1866.

CHAPTER CCV.

An Act to incorporate the Houston Dramatic Association.

Section 1. Be it enacted by the Legislature of the State of Texas, That Brother Perkins, Wm. R. Baker, Ashbel Smith, and their associates, be, and the same are hereby declared, to be a body corporate in law and in fact, under the name and style of the Houston Dramatic Association.

Sec. 2. Said corporation shall have the right to buy and hold suitable ground in the city of Houston, and to build and construct thereon a Theatre, or Opera House, of such dimensions and style as the corporation may determine; and said structure may be built of stone, brick, or iron; said building shall be built with sufficient strength and with ample doors for egress to secure comfort and safety to the audience assembled therein.

Sec. 3. The affairs of said corporation shall be managed by a Board of Directors, numbering five, who shall be elected by the stockholders at their annual meeting, and shall hold office until their successors are elected. The legal domicile of said corporation shall be in the city of Houston. Said corporation shall have a common seal, and shall have the right to sue and to be sued at law, and the right to buy and hold such real and personal property as may be required by the corporation, and to sell and convey the same.

Sec. 4. The capital stock of said corporation shall be one hundred thousand dollars, with the privilege of increase, not to exceed two hundred thousand dollars; said stock shall be divided into shares of fifty dollars each, and the stock may be issued by said corporation in such amounts and upon such terms as may best promote the object of this act; each share of said stock shall entitle the holder thereof to one vote, but any action or decision by parties holding three-fourths of said stock, shall be binding on all.

Sec. 5. Said corporation shall have the right to issue bonds, running ten years, and to renew the same, for the purpose of securing funds to buy the land, or for the construction and equipment of their building; said bonds shall not exceed in amount forty thousand dollars, in bonds of five hundred dollars each, bearing interest at ten per cent. per annum; said interest shall be payable semi-annually.

Sec. 6. It shall be lawful for the corporation herein named to organize said company immediately after the approval of this act; said corporation shall exist twenty-five years; and this act shall take effect and be in force from and after its passage.

Approved November 12, 1866.

CHAPTER CCVI.

An Act supplemental to an Act, entitled an Act to incorporate the Brownsville Bridge Company, approved September 24th, 1866.

Section 1. Be it enacted by the Legislature of the State of Texas, That the above recited Act, to which this is supplemental, shall not impair or destroy the rights of Charles Stillman, or Samuel A. Belden, vested by virtue of a license granted to them by the County Court of Cameron County, to establish and run a ferry across the Rio Grande river, from within the corporate limits of the city of Brownsville, on the Texas side of said river, to the opposite bank; nor shall impair or interfere with the rights of said Stillman and Belden, as ferryman aforesaid to a ferry landing within the corporate limits of said city.

Sec. 2. That this Act shall take effect and be in force from and after its passage.

Approved November 12, 1866.

CHAPTER CCVII.

An Act to Incorporate the Galveston Dramatic Association.

Section 1. Be it enacted by the Legislature of the State of Texas, That T. H. McMahan, Charles F. White, B. Tiernan, Geo. W. Simpson, Morris Greenwall, Charles C. McCarty, B. Rush Plumly, W. Campbell, and their associates be, and the same are hereby declared to be a body corporate, in law and in fact, under the name and style of the "Galveston Dramatic Association."

Sec. 2. Said corporation shall have the right to buy and hold suitable grounds in the city of Galveston, and to build and construct thereon a Theatre, or Opera House, of such dimensions and style as the corporation may determine, and said structure may be built of stone, brick or iron; said building shall be built with sufficient strength and with ample doors for egress to secure comfort and safety to the audience assembled therein.

Sec. 3. The affairs of said corporation shall be managed by a Board of Directors numbering five, who shall be elected by the stockholders at their annual meeting, and shall hold office until their successors are elected. The legal domicil of said corporation shall be in the city of Galveston; said corporation shall have a common seal, and shall have the right to sue and be sued at law, and the right to buy and hold such real and personal property as may be required by the corporation, and to sell and convey the same.

Sec. 4. The capital stock of said corporation shall be one hundred thousand dollars, with the privilege of increase, not to exceed two hundred thousand dollars; said stock shall be divided into shares of fifty dollars each, and the stock may be issued by said corporation in such amounts, and upon such terms as may best promote the object of this Act. Each share of said stock shall entitle the holder thereof to one vote, but any action or decision by parties holding three-fourths of said stock, shall be binding on all.

Sec. 5. Said corporation shall have the right to issue bonds running ten years, and to renew the same for the purpose of securing funds to buy the land, and for the construction and equipments of their buildings; said bonds shall not exceed in amount forty thousand dollars, in bonds of five hundred dollars each, bearing interest at ten per cent. per annum; said interest shall be paid semi-annually.

Sec. 6. It shall be lawful for the corporation herein named

to organize said company immediately after the approval of this Act. Said corporation shall exist twenty-five years; and this Act shall take effect and be in force from and after its passage.

Approved November 12, 18 6.

CHAPTER CCVIII.

An Act to incorporate the American Industrial Agency.

Section 1. Be it enacted by the Legislature of the State of Texas, That the owners of the shares herein authorized to be issued, be, and they are hereby made a body politic and incorporate under the name and style of the American Industrial Agency, with power and authority under that name and style to contract and be contracted with, to sue and be sued, to plead and be impleaded, with all the rights, powers and privileges which may be necessary and proper for them to have, possess, exercise and enjoy as a company incorporated for the purposes hereinafter stated, and may take, have, hold, possess, and acquire, by gift, grant or purchase, any property or estate, real or personal, and the same may use, lease, let, mortgage, sell, transfer and convey, in as full and ample manner and extent as any individual person may or might do; and it is the purpose of this act to organize an incorporated company, whose capital and funds, or such part thereof as they may deem expedient, may be invested in bonds and shares of railroad companies, and in other public and private securities, which being placed in Europe, or elsewhere, may be sold or held as the basis of a credit; enabling the company to obtain money and credit upon such time, and upon such terms as will enable them advantageously to use the same, and especially to make loans and advances to railroad companies, farmers, planters, manufacturers and others, upon terms more favorable than such loans are usually made by banks; and also to authorize them to obtain insurances on houses, goods and all species of property against damage or loss by fire or water, or any other casualty; and also to obtain insurance of lives, and to guarantee the payment of notes and bonds, and the performance of the contracts of towns, cities, counties, companies, corporations, and individuals, and to authorize them as a company to make all requisite contracts, and especially to receive and hold on deposit or in trust any estate or property, real or personal, including notes, bonds and accounts, and the same to pur-

chase, adjust, collect and settle as by contract may be agreed; and also to sell and dispose thereof in any market in the United States, or elsewhere for such price and in such manner and upon such terms as may be agreed upon between them and the persons or parties contracting with them; and also to make advances of money and of credit, and to deal in exchange, foreign or domestic; provided, that they are only allowed to use the national currency, or gold or silver.

Sec. 2. The capital of said company shall consist of not more than ten million of dollars divided into shares of one hundred dollars each, and fifty per cent. thereof shall be appropriated for and used as the active capital, and fifty per cent. shall be invested by the Directors in good securities and held as a reserved fund, pledged for the payment of any contingent liability which may be created in the course of their business; and should any part of the reserved fund be at any time used in payment of any such liabilities, it shall be the duty of the Directors to reinstate the sums thus used by appropriating thereto so much of the current income as may be requisite therefor; and no distribution of profits shall, at any time be made, so long as there may be any deficiency in the funds reserved as aforesaid; and George W. Carter, Duff Green, G. H. Giddings, John S. Sellers, Wm. Brady, M. S. Munson, W. B. Knox, F. H. Merriman, F. C. Hume, J. W. Stell, R. W. Black, D. W. Jones, Ashbel Smith, W. G. W. Jowers, T. Phelps, Wm. H. Hooks, Stuart Gwin, Benjamin E. Green and Edmund C. Pechin, are hereby appointed Commissioners, and they, or a majority of them may, in person or by proxy, at such times and places as they may deem expedient, open books of subscription, and when five thousand shares shall have been subscribed, and twenty per cent. thereon shall have been satisfactorily secured, the subscribers may proceed to organize the company by the appointment of five or more directors; and the directors for the time being, in the name and behalf of the company, are hereby authorized and empowered to have, exercise, and enjoy all the rights, powers and privileges which are intended to be herein given to the said company, and may from time to time, increase the resources of the company by obtaining money or credit on a pledge of their property, or without such pledge, or by new subscriptions, and any citizen or subject, person, company or corporation of any State, government or country may subscribe for purchase and hold shares in the said company; and the owners of such shares shall be liable for and bound to pay to the said company the sums due or to become due by them upon such shares, which sum or

sums being paid, such owner shall not be liable for any further payment on account thereof.

Sec. 3. And whereas experience has proved that the payment of a proper rate of interest upon deposits will promote economy and industry, and create a fund, which, under proper regulations, securing punctuality in payments, may be safely advanced upon long loans, to be repaid in suitable instalments; and whereas the concentration of capital and credit, under such regulations would enable the company, by such loans, to give profitable employment to labor, and aid in the development of the agricultural, mining, manufacturing and other industrial resources of this and the other States; and inasmuch as the greater security for the repayment of such deposits will tend to lessen the rate of interest to be paid thereon, therefore, in case of deposits which are subject to be withdrawn by check or by order, the persons making such deposits may agree with the said company that there shall be deposited with the Treasurer of this State, or with some other person, as Trustee, bonds of the United States, or of one of the said States, or such other securities as may be agreed on, for a sum equal to the deposit so made, which deposits the Treasurer is hereby authorized to receive and hold as collateral securities for the repayment of the deposits aforesaid; and the company may issue a certificate, stating the amount of the deposit, the interest to accrue thereon the time when, and the terms and conditions on which payment is to be made; which certificate shall be countersigned by a competent person appointed by the Treasurer, with the assent of the company, or in case of any other person acting as trustee, then by such person, who shall witness that repayment of such deposits has been secured by a pledge of securities held in trust for that purpose. And the said certificates may be made payable to order or to bearer; provided, that no certificate shall be issued for a less amount than the whole sum, which the payee in such certificate may leave on deposit with said company, and provided, further that such certificate shall not circulate as money; and should any such certificate not be paid upon demand after the same becomes due and payable, the holder thereof may cause protest to be made, and thirty days' notice having been given to the said company, if the requisite funds be not otherwise provided, it shall be the duty of the Treasurer or Trustee to sell so many of the bonds or other securities held by him in trust, as aforesaid, as may be necessary therefor, and with the proceeds of such sales to pay off and discharge the said protested certificates, and the expense of protest; provided, that if the sum realized

from the sales of such bonds or other securities be not sufficient to pay the sum due on said certificates and cost of protest, the payee therein on making oath to the fact, shall have summary attachment against the property of said company, and cause the same to be sold after ten days' notice; and the Treasurer or Trustee may receive the interest and dividends falling due on the bonds and securities deposited with him, which, after deducting a reasonable compensation for his services not exceeding five hundred dollars, shall be paid over to the said company, who shall pay to the person countersigning their certificates a reasonable compensation therefor. And whereas the funds and securities deposited as aforesaid, and the funds and credits into which the same may be converted, will be held by the company for the benefit of the said depositors, and the taxes thereon, if any, should be paid by the persons to whom the said funds and credits properly belong, such deposits and the funds and credits created thereby shall not be assessed or taxed as the property of the said company.

Sec. 4. The by-laws may prescribe the number of, and the manner in which the Directors, officers and agents of the company shall be appointed, and designate their terms of service, powers, duties and compensation. The company shall have an office in this State, but the Directors, under such rules and regulations as they may approve, may establish branches and agencies in this and the other States, and in Europe, and elsewhere, and may unite and be consolidated with other companies organized in other States for like purposes; and when so united shall not be required to pay a tax upon the shares of such other company, unless such shares shall be owned by persons residing in this State; and the Directors may require all their officers and agents to take an oath that they will honestly and faithfully, to the best of their ability, discharge their respective duties.

Sec. 5. Whenever the said company shall have paid off the sums due on any of the certificates, to secure the payment of which they have deposited bonds or securities as aforesaid, and shall have cancelled the same, it shall be the duty of the Treasurer or Trustee, as the case may be, to release and deliver to the said company, bonds and securities deposited with him as aforesaid, to an amount equal to the deposits made to secure the payment of the certificates thus paid and cancelled.

Sec. 6. This act shall take effect and be in force for thirty years from and after its passage.

Approved November 12, 1866.

CHAPTER CCIX.

An Act to incorporate the Brownsville Mutual Insurance Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That Mifflin Kenedy, S. A. Belden, Richard King, R. B. Kingsbury, Edward Downey, Josiah Moorhead, J. G. Brown, A. Werbiski, John McAllen, S. P. Gelston, F. Yturia, Franklin Cummings, Henry Miller, or a majority of them, and their present and future associates, successors and assigns, be, and are hereby incorporated and created a body corporate and politic, by the name and style of the "Brownsville Mutual Insurance Company;" and by that name and style, they and their successors shall be capable of suing and being sued, and maintaining any action to final judgment and execution; and shall be, in law, capable of purchasing, holding, improving and conveying any estate, real, personal or mixed, for the use of said corporation; and the said corporation shall have the power to ordain, establish and put in execution such by-laws, ordinances and regulations as shall be necessary for the government thereof; and it shall be lawful for the said corporation, after the expiration thereof, to use the corporate name, style and capacity, for the purpose of suits for the final settlement and liquidation of the affairs and accounts of the corporation, and for the sale and disposition of their estate, real, personal or mixed, but not for any other purpose, for the term necessary to make such settlements, after the expiration of the term of this incorporation.

Sec. 2. That the capital stock of said corporation shall not be less than one hundred thousand dollars, divided into shares of one hundred dollars each, and the same shall be created and paid in such manner and at such times as the president and directors of said corporation shall require, of which requisition at least one month's notice shall be given by publication in one or more newspapers printed in the city of Brownsville; and if any stockholder shall fail to pay any installments so required to be paid, he or she shall cease to be a member of said corporation, and shall forfeit his or her stock, and the share or shares so forfeited may be sold by said corporation in such manner as they may think proper; but such forfeiture and sale of such stock shall not release the holder thereof, nor his or her sureties on the notes contemplated to be given in sections six and eight of this act, from his or her liability on account of said notes, to any person

or persons having a just claim against said corporation, which shall have accrued before such sale.

Sec. 3. That for the well ordering of the affairs of said corporation, there shall be nine directors, who shall be stockholders of the corporation: they shall be elected by the stockholders at their annual meeting to be held on the first Monday in January of each year, after the organization of said company, for that purpose; and the directors, at their first meeting, shall choose one of their own number as president, and another as vice-president; provided, nevertheless, that until the first election, the persons named in the first section of this act shall have and may exercise all the powers given to the president and directors by this act; and in all elections for directors, the vote shall be by ballot, and each stockholder shall have one vote for each share he may hold; but no stockholder shall vote at any election unless the share or shares upon which he may claim to vote shall have been standing in his or her name on the books of said corporation for at least three months previous to such election. In case of absence from any general meeting, any stockholder may be entitled to vote by proxy.

Sec. 4. That the directors of said corporation, for the time being—five of whom, including the president, shall form a quorum—shall have power to appoint such officers, clerks, agents and other persons as shall be necessary for conducting the business of said corporation, and to allow said persons so appointed such compensation for their services as they shall deem proper, and generally to exercise all other powers and privileges as are given by law to corporations.

Sec. 5. That it shall be lawful for the said company to employ the funds thereof in establishing and sustaining the business of marine and fire insurance; to insure vessels in port, buildings, merchandize, and all other perishable property on land against loss or damage by fire; to make all and every insurance appertaining to or connected with marine, inland and transportation risks, and to charge, collect and receive for the same such premium of insurance as the president and directors of said corporation may deem just and reasonable. It shall be lawful for the said corporation to buy and sell exchanges, and to lend at a rate of interest not exceeding twelve per cent. per annum, any surplus capital they may at any time possess; to lend money on bottomry, and respondentia security at marine interest; but it shall not be lawful for said corporation to issue any promissory notes of the character of bank-bills, or to exercise banking privileges.

Sec. 6. That the shares of said corporation shall be assigna-

ble and transferable upon the books of said company according to such rules and regulations as the president and directors thereof shall for that purpose ordain and establish; and in case the assignee of any share or shares of stock shall deposit his note, with securities, as contemplated and provided for in section eighth of this act, then the assignor of such stock or shares shall have the right to withdraw and cancel his note or notes and securities given for such share or shares of stock, otherwise the notes and securities of said assignor to be and remain subject and liable to all the conditions and provisions contained in section ninth of this act.

Sec. 7. That the president and directors of said corporation shall annually, or semi-annually, make such dividends of the net profits of the company as shall appear advisable, but the following rule of distribution shall, in all cases, be observed, to wit: One-half of said profits, after deducting twenty-five per cent. thereof for a reserved fund, shall be credited to the stockholders in proportion to the stock owned by them, and endorsed upon their notes, until such notes are paid in full, when it shall be the duty of the president and directors to issue certificates to the stockholders for full paid shares; and the remaining half shall be distributed in scrip to all those who shall have effected insurance with the company, which scrip shall be redeemable when the accumulated net profits of the company shall exceed the sum of two hundred thousand dollars.

Sec. 8. That the office of the company incorporated by this act shall be located in the city of Brownsville; and so soon as the president and directors thereof shall establish by evidence, to the satisfaction of the County Court of Cameron County, that six per cent. of the capital stock of said corporation has been paid by the stockholders thereof, and that one-half of the residue of said capital of one hundred thousand dollars has been secured, to be paid when called for, as contemplated in section second of this act, by the notes of the holders of said capital stock, secured by good and solvent security, and shall also establish to the satisfaction of said County Court that the directors of said corporation have been organized in conformity with the provisions of section third of this act, then said County Court shall give them a certificate thereof, which shall be their warrant to commence business operations under the authority vested by this act.

Sec. 9. That in case the corporation created by this act shall become insolvent, which fact shall be ascertained by the return of "no property found," upon execution issued on a judgment rendered against it, the said judgment creditors, or any other

creditor thereof, may at once enter a suit in the District Court of the county of its domicile against said corporation for a decree of insolvency, which decree shall also provide for the appointment of a receiver or trustee, whose duty it shall be to demand and receive from the said corporation all its property and assets of every description, and proceed to collect the same, and pay the same out in satisfaction of the debts due by said corporation in the same manner and under the same rules and regulations as provided for on insolvent estates.

Sec. 10. That the charter granted by this act shall continue in force and effect for the term of thirty years from and after the passage of this act, and shall take effect from and after its passage.

Approved November 12, 1866.

CHAPTER CCX.

An Act to incorporate the Planters Mutual Insurance Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That Geo. W. Carter, B. F. Green, J. W. Stell, W. B. Knox, M. S. Munson, J. W. Jones, T. S. Anderson, W. Baker, Ashbel Smith, J. H. Herndon, Stewart Gwin, Dan A. Conner, and their present and future associates, successors and assigns, be, and they are hereby incorporated and created a body politic and corporate, by the name and style of the Planters' Mutual Insurance Company, and by the same name and style they and their successors shall be capable of suing and being sued, and maintaining any action to final judgment and execution, and shall be in law capable of purchasing, holding, improving and conveying any estate, real, personal or mixed, for the use of said Corporation; and the said Corporation shall have the power to ordain, establish and put in execution such by-laws, ordinances and regulations as shall be necessary for the government thereof; and it shall be lawful for the said Corporation, after the expiration thereof, to use the corporate name, style and capacity, for the purpose of suits for the final settlement and liquidation of the affairs and accounts of the Corporation, and for the sale and disposition of their estate, real, personal or mixed, but not for any other purpose, nor for a period exceeding three years after the expiration of the term of incorporation.

Sec. 2. That the capital stock of said Corporation shall not

be less than two hundred and fifty thousand dollars, divided into shares of one hundred dollars each, and the same shall be created and paid in such manner and at such times as the President and Directors of said corporation shall require, of which requisition at least one month's notice shall be given, by publication in two newspapers printed in the city of Houston; and if any stockholder shall fail to pay any instalment so required to be paid, he or she shall cease to be a member of said Corporation, and shall forfeit his or her stock, and the share or shares so forfeited may be sold by said Corporation in such manner as they may think proper; but such forfeiture and sale of such stock shall not release the holder thereof, nor his or her securities on the notes contemplated to be given in section 6th and 8th of this act, for his or her liability on account of said notes, to any person or persons having a just claim against said Corporation which shall have accrued before such sale.

Sec. 3. That for the well ordering of the affairs of said Corporation there shall be thirteen Directors who shall be stockholders of the Corporation; they shall be elected by the stockholders at their annual meeting, to be held on the first Monday in March of each year, for that purpose, and the Directors at their first meeting shall choose one of their own number as President, and another as Vice-President; provided, nevertheless, that until the first annual election the persons named in the first section of this act shall have, and may exercise all the powers given to the President and Directors by this act; and in all elections for Directors the vote shall be by ballot, and each stockholder shall have one vote for each share he may hold, but no stockholder shall vote at any election until the share or shares upon which he may claim to vote, shall have been standing in his or her name on the books of said Corporation for at least three months previous to such election. In case of absence from any general meeting any stockholder may be entitled to vote by proxy.

Sec. 4. That the Directors of said Corporation for the time being, seven of whom, including the President, shall form a quorum, shall have power to appoint such officers, clerks, agents and other persons as shall be necessary for conducting the business of said Corporation, and to allow said persons, so appointed, such compensation for their services as they shall deem proper, and generally to exercise all other powers and privileges as are given by law to Corporations.

Sec. 5. That it shall be lawful for the said Company to employ the funds thereof in establishing and sustaining the bus-

iness of marine, fire and life insurance, to insure vessels in port, buildings, merchandise, produce and lives, and all other perishable property on land, against loss or damage by fire; to make all and every insurance appertaining to or connected with marine, inland and transportation risks, and to charge, collect and receive for the same such premiums of insurance as the President and Directors of said Corporation may deem just and reasonable. It shall be lawful for the said Corporation to buy and sell exchange, and to lend at a rate of interest not exceeding twelve per cent. per annum, any surplus capital they may at any time possess or hold; to lend money on bottomry and respondentia security, at marine interest; but it shall not be lawful for said Corporation to issue any promissory notes of the character of bank bills, or to exercise banking privileges.

Sec. 6. That the shares of said Corporation shall be assignable and transferable upon the books of said Company, according to such rules and regulations as the President and Directors thereof shall for that purpose ordain and establish, and in case the assignee of any share or shares of stock shall deposit his note, with securities, as contemplated and provided for in section 8, of this act, then the assignee of such share or shares shall have the right to withdraw and cancel his note or notes and securities given for such share or shares of stock, otherwise the notes and securities of said assignor to be and remain subject and liable to all the conditions and provisions contained in section 9 of this act.

Sec. 7. That the President and Directors of said Corporation shall annually or semi-annually make such dividends of the net profits of the Company as shall appear advisable; but the following rule of distribution shall in all cases be observed, to-wit: One half of said profits, after deducting twenty-five per cent. thereof for a reserved fund, shall be credited to the stockholders in proportion to the stock owned by them, and endorsed upon their notes, until such notes are paid in full, when it shall be the duty of the President and Directors to issue certificates to the stockholders for full paid shares; and the remaining half shall be distributed in scrip to all those who shall have effected insurance with the company, which scrip shall be redeemable when the accumulated net profits of the Company shall exceed the sum of five hundred thousand dollars.

Sec. 8. That the office of the Company incorporated by this act shall be located in the city of Houston, and so soon as the President and Directors thereof, shall establish by evidence, to the satisfaction of the County Court of Harris county, that ten

per cent. of the capital stock of said Corporation has been paid by the stockholders thereof, and that the balance or residue of said capital of two hundred and fifty thousand dollars has been secured, to be paid when called for, as contemplated in section second of this act, by the notes of the holders of said capital stock, secured by good and solvent security or securities, and shall also establish to the satisfaction of said County Court that the Directors of said Corporation have been organized in conformity with the provisions of the third section of this act, then said County Court shall give them a certificate thereof, which shall be their warrant to commence business operations, under the authority vested by this act.

Sec. 9. Service of any and all legal process in any suit or proceeding against said Company, shall be sufficient, if made upon the President or Secretary of the Board of Directors.

Sec. 10. That the Charter granted by this act shall continue in full force and effect for the term of twenty-five years from and after the passage of this Act.

Approved November 12, 1866.

CHAPTER CCXI.

An Act amendatory of the sixth section of an Act entitled an Act to incorporate the Texas Copper Manufacturing Company, approved May 28, 1864.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sixth section of an Act entitled an Act to incorporate the Texas Copper Manufacturing Company, approved May 28th, 1864, be so amended as to extend the chartered privileges of said Company to a period of sixty years from the passage of this Act.

Sec. 2. That this Act take effect and be in force from and after its passage.

Approved November 12, 1866.

CHAPTER CCXII.

An Act to incorporate the Eastern Texas Manufacturing Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That S. N. Braswell and D. W. Jones, their associates,

successors and assigns, be, and they are hereby constituted and declared to be a body politic and corporate, under the name and style of the Eastern Texas Manufacturing Company, with capacity to own property, both real and personal, make contracts, to have succession and a common seal, and the same to alter at will, to make by-laws for its government, and in its corporate name to sue and be sued, to grant and receive and generally to do and perform all such acts and things as may be necessary and proper for, or incident to the fulfilment of its objects or maintenance of its rights under this Act, consistent with the Constitution and laws of this State.

Sec. 2. That said Company be, and is hereby established, with the right to erect, own, maintain and operate such machinery as may be necessary for the manufacturing of cotton and woolen fabrics, flour and such other things as the Directors may deem proper, at such place in Titus. Ellis or Johnson county, as the Company may select.

Sec. 3. That the capital stock of said Company shall not exceed three hundred thousand dollars, and shall be divided into shares of one hundred dollars each, and each share shall entitle the owner thereof to one vote in person or by proxy, and real estate may be received in payment of such stock, at such price as may be agreed upon by the Commissioners or Directors.

Sec. 4. That the affairs and business of said Company shall be conducted by a Board of Directors, not less than three nor more than seven, who shall be elected by the stockholders, at such time as the Directors may designate, and annually thereafter; provided, that in case of a failure to elect at the stated time, the Board of Directors incumbent, shall continue in office until there be an election, the time for which may be fixed by said Board of Directors, whereof reasonable notice shall be given.

Sec. 5. That no person shall be eligible as Director unless he is a member of the Company; that said Board shall elect a President from their number, fill vacancies, and appoint such officers as they may deem necessary, and require such security for the faithful performance of their duties, as they may think proper; also prescribe the time for the payment of installments or assessments, to declare the forfeiture of such stock for non-payment, and to do or cause to be done, all other acts and things which they may deem necessary or proper in conducting the business of said Company; a majority of the Board of Directors shall constitute a quorum to do business.

Sec. 6. That the parties named in this Act are hereby ap-

pointed Commissioners, and invested with the right of organizing said Company as soon as fifty thousand dollars has been subscribed, and that this Charter shall expire at the expiration of thirty years from the passage of this Act.

Sec. 7. That this Act take effect and be in force from and after its passage.

Approved November 13. 1866.

CHAPTER CCXIII.

An Act to create a body corporate and politic, by the name of the Houston Chamber of Commerce.

Whereas, a large number of the merchants of the city of Houston, have petitioned that a charter be granted them creating a Chamber of Commerce, and have set forth that such an Institution is much required by the mercantile community, as tending to diminish litigation, and to establish uniform and equitable charges, and considering that the establishment of a Chamber of Commerce may tend to the general advantage of the citizens of the State, as well as to the furtherance of the commercial interest; therefore,

Section 1. Be it enacted by the Legislature of the State of Texas, That A. J. Burke, James Lawrence, W. H. Elliott, W. T. Austin, H. R. Allen, F. W. Heitman, H. B. Lee, Brady & Adams, W. C. Gillean, D. Wenar, Sam. Sterne, P. Mares & Co., A. Harris, W. L. McAtee, C. A. Darling, E. R. Wells, A. Groesbeck, R. S. Willis, E. W. Cave, E. W. Taylor, John Dickinson, A. S. Wair, S. E. Loeb & Co., H. L. Allen, T. M. Bagby, P. Reynaud, Pecl, Dumble & Jones, C. H. Leman, G. B. Douglas, A. C. Gray, Scott & Clayton, Frank R. Lubbock, T. W. Lubbock, C. S. Longcope, John E. Garey, S. Y. Smith, C. C. Hearn, J. C. Spence, W. D. Alexander, W. Haral, Henry Sampson, Ranger & Co., J. E. Cowen, J. Mitchell, J. T. & W. Brady, Edward Neal, J. W. Pitkin, Henry S. Fox, J. W. Wren, J. R. Morris, Wm. Christian, merchants of the city of Houston, their associates and their successors be, and they are hereby declared to be a body corporate and politic, by the name of the Houston Chamber of Commerce.

Sec. 2. That the said Chamber of Commerce shall have all the power, privileges and immunities properly belonging to such bodies, to enable them to carry into effect the foregoing provi-

sions, with authority to make and adopt all rules, regulations and by-laws for their guidance, as they may deem proper.

Sec. 3. That this Act of incorporation shall be in force for, and during the space of thirty years from the passage thereof, and take effect from and after its passage.

Approved November 13, 1866.

CHAPTER CCXIV.

An Act to incorporate the Lagrange Fire Company, of the Town of Lagrange.

Section 1. Be it enacted by the Legislature of the State of Texas, That S. T. Stiehl, A. H. Eck, Gustave Tramsbousky, and H. Leckerger, of the town of Lagrange, and their associates and successors shall be, and they are hereby constituted a body politic and corporate, as a Fire Company, in the town of Lagrange, under the name of the Lagrange Fire Company of the Town of Lagrange, with power to sue and be sued, to plead and be impleaded, to appear and prosecute to final judgment, in any court of competent jurisdiction, to have a common seal with such device as they may adopt; to elect in whatever manner they may choose, the officers necessary to command them; to establish laws and by-laws for the government and regulation of their affairs, not inconsistent with the Constitution and laws of the State of Texas, and the same to alter and amend at pleasure, and to hold real and personal property, and to dispose of the same; Provided, however, such real and personal property shall at no time exceed ten thousand dollars in value, and shall never exceed fifty members, rank and file.

Sec. 2. That the actual members of said company shall be exempt from serving on juries, except in capital cases.

Sec. 3. That said company shall have power by their Constitution and by-laws, to try all violations of their own ordinances, agreed upon by a majority of the members of said company, to suspend, expel or fine, not exceeding ten dollars, those violating the Constitution and by-laws of said company.

Sec. 4. That this Act shall be in force, and continue so, for and during the term of twenty years from and after its passage.

Approved November 13, 1866.

CHAPTER CCXV.

An Act to Incorporate the Austin City Water Works.

Section 1. Be it enacted by the Legislature of the State of Texas, That a body corporate and politic be, and the same is hereby created and established, under the name and style of the Austin City Water Works and Manufacturing Company, with authority to make contracts, to have succession and a common seal, to make by-laws for its government, and in its said corporate name to sue and be sued, to grant and to receive, and generally to do and perform all such acts and things as may be necessary and proper for, or incident to the fulfilment of its obligations, or the maintenance of its rights under this charter, and consistent with the provisions of the Constitution of this State.

Sec. 2. That the said company be, and hereby is invested with the rights of constructing a substantial dam across the Colorado river at any point above Austin City, in Travis county, also a navigable canal leading or extending thence to Shoal Creek, near Austin City, to as far down the valley of the Colorado as said company may deem advisable, or likely to subserve their interest touching the preservation of said work; also, to establish at said dam, and at other points along said canal, as by said company may be deemed advisable, Woolen, Cotton or other Factories, Flouring and Grist Mills, Saw Mills, Oil Mills, Paper Mills, Turbine or other wheels for elevating water to supply the city of Austin.

Sec. 3. That the parties named in this charter, or a majority of them, to-wit: George W. Glasscock, Abner H. Cook, George Sampson, Eugene Bremond, John Hancock, Francis T. Duffau, and Thomas Freeman, with such persons as they may associate with themselves for this purpose, are hereby appointed commissioners, and invested with the rights of forming and organizing said company, and of exercising the powers of directors, until directors may be chosen or elected, when the powers of the commissioners shall cease.

Sec. 4. That the capital stock of said company shall not exceed the sum of one million dollars, which shall be divided into shares of one hundred dollars each; each share entitling the owner thereof to one vote in person, or by proxy, at all meetings of the company, which meetings may be held at such times and places as the commissioners, or directors may appoint, and the shares shall be deemed personal estate, and may be transferred by conveyance in writing, recorded either by the treasurer, in

books kept by him for that purpose, at his office, at the city of Austin, or by any officer duly authorized by the directors, in books kept by him at such other places as the directors may appoint, such transfers as are recorded in any other place, being within thirty days communicated to the treasurer, and by him entered on his books.

Sec. 5. The immediate control, government and direction of the affairs of the company, shall be vested in a board of not less than nine directors. Said directors shall elect one of their own number to be President of the company. The first board of directors shall be chosen by the persons named in this charter, and such other persons as they may associate with themselves for that purpose; said election shall be held in the city of Austin, and at such time as the persons named in this charter, or a majority of them, with their associates, shall determine. No person shall be eligible to the office of director, unless an owner of at least _____ shares of the stock of said company. The directors shall have the power to fill any vacancy that may occur in said board from non-election, death or otherwise, and may appoint a secretary, who shall also be treasurer, and such other officers and agents as said board may consider necessary, and prescribe and require bonds for the faithful performance of their duties. They may make all necessary rules and regulations for the holding of meetings, and all other lawful things they may deem proper for carrying out the provisions of this charter and business of the company. They shall keep, or cause to be kept by their secretary, correct records of all meetings of the directors and company, and accurate books and accounts of the receipts and expenditures of the company, and all other books and accounts necessary and proper to be kept by such a company. A majority of the board of directors shall have the power of a full board, and all conveyances and contracts executed in writing, signed by the President, or any officer appointed by the board for the purpose, and countersigned by the secretary or treasurer, and in pursuance of a vote of the directors, shall be valid and binding. The said books and records of proceedings of the board shall be open to the inspection of stockholders.

Sec. 6. That the directors shall have the power to dispose of the shares in said capital stock in such manner, and on such terms as they may deem best for the interests of the company; and any agreement in writing whereby any person shall, or may become a subscriber to the capital stock of said company, may be enforced against him according to its terms; and if any subscriber shall fail to pay any amount due upon shares subscribed

for by him according to the terms of his subscription, the directors may, after twenty day's public notice, sell at public auction, within the city of Austin, the shares subscribed by said delinquents, and transfer to the purchaser such shares. If the proceeds of the sale shall not be sufficient to pay the amount due, with interest and charges, such delinquent shall be held liable to the company for the deficiency; but if the proceeds shall exceed the amount so due, with interest and charges, he shall be entitled to the surplus.

Sec. 7. It shall be lawful for the company to enter upon and purchase, or otherwise take and hold, any land, with the building material thereon naturally and properly belonging, necessary and proper for the purpose of constructing said dam and canal, and if they be not able to obtain said lands by agreement with the owners thereof, they shall pay therefor such compensation as may be awarded to said owner, or owners of said land, by three disinterested freeholders of Travis county, who may be chosen for the purpose, one by the owner of the land, a second by the company, or its agent, or engineer, and the third by the first and second freeholders so chosen, whose decision in the premises shall be final and conclusive between said owners and the company.

Sec. 8. Owners of land through which the canal may pass, shall have the free right of passage over said canal, by means of bridges constructed at the expense of the company; and at the crossings of public roads, suitable bridges shall also be erected by the company, at its expense.

Sec. 9. That said company may acquire by purchase, donation, or in payment of stock, such real estate as the directors shall think desirable for the purpose of aiding in the construction or maintenance of said canal, and the establishment of factories, &c.; and such real estate may be alienated or mortgaged by a vote of the majority of the directors; and such an alienation and mortgage shall be signed by the President, and countersigned by the treasurer.

Sec. 10. That said company shall have the power, through its directors or agents, to get subscription to stock; to issue bonds bearing ——— interest, and to borrow money on their bonds, or stock notes, at such rates as the directors shall deem expedient; provided, however, that nothing contained in this charter shall be so construed as to confer banking privileges of any kind.

Sec. 11. That upon the written request of one-fourth of the stockholders, the President of the company shall call a special

meeting of the directors, in order to hold an election of a new directory, when a vote of two-thirds of the stockholders shall be sufficient to remove a director, or directors, and appoint others in their stead, at any time before the expiration of the term for which he or they, the said directors, were originally elected.

Sec. 12. That said company shall have the right to impose, demand and receive, such rates of charges and tolls for water rent to factories, mills, &c., to be established along said canal, or at the terminus of the same, and on barges or boats navigating the canal after completion, and by and with the concurrence and assent of the city council of Austin, for water supplied to the city, by means of pipes and from hydrants, as said company, through its directory, may think proper to establish.

Sec. 13. That said canal shall be commenced within two years from the passage of this Act. And the franchise hereby granted shall continue and be in force for and during the term of fifty years.

Approved November 13, 1866.

CHAPTER CCXVI.

An Act to incorporate the Texas and California Telegraph Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That F. Morris of New York, James M. Moore of Corpus Christi, G. H. Giddings of San Antonio, D. C. Giddings of Brenham, Texas; J. C. Woods of New Jersey; A. R. Morris, John Hancock and J. G. Gordon of Austin, Texas; David Hennar of New Orleans; and all such other persons as shall or may be associated with them in the manner hereinafter described and provided, are hereby constituted, created and declared, to be a body corporate and politic, in deed and in law, by the name of the Texas and California Telegraph Company, and by that name shall have and enjoy succession for the period of fifty years from the date of the passage of this act, and shall be able to contract, to borrow money, to sue and be sued, to plead and be impleaded, defend and be defended, in all courts of law and equity, and may make and use a common seal, and the same may alter at will.

Sec. 2. That the said corporation is hereby authorized and empowered to lay out, locate, construct, furnish, maintain, and enjoy a line or lines of telegraph, with all appurtenances, from

the eastern boundary of the State via Houston and San Antonio or Austin, through any parts thereof, to the western boundary of the State, at or near the town of El Paso. And the said company shall have the power to construct, or purchase, hold and maintain, any line or lines of electric telegraph with the appurtenances, whether wholly within or wholly beyond, or partly within and partly beyond the limits of this State, to purchase or take any lease of, or other interest, legal or equitable, in such line or lines, or the whole or any part of the stock of any telegraph companies, and from time to time to discontinue such line or lines, or any part thereof, and to change the routes thereof, or any part thereof, to consolidate, combine and associate with any other telegraph companies, either within or without the State; to purchase any patent or patents, or any share thereof, or interest therein, or any telegraph apparatus, or any invention relating to electric telegraph. The said company shall have further power to hold, receive, purchase and convey, under its corporate name, any interest in real or personal estate, moveable or immovable, and to sell, assign, convey, mortgage, lease, or otherwise dispose of any of the property held by the company, as the Board of Directors may from time to time determine, and to divide the proceeds of such sales among the stockholders; provided, said company shall not own more real estate than shall be necessary for the erection of the lines of telegraph, buildings and stations, to enable the company to carry out and perfect the objects for which this charter is granted; lands granted in the 4th section of this act excepted. The said company may, on making any purchase or lease mentioned in this act, or other contract, pay the price, or consideration, in the shares of stock of the corporation hereby created, and such last mentioned shares shall be deemed to represent so much capital paid in cash. All contracts by said company may be made either verbally or in writing, with or without the corporate seal, as may be provided in the by-laws of the company, except that all assignments, mortgages and conveyances of any part of the property of the said company, must be signed by the President or Vice-President and Secretary, and sealed with the seal of the company, by the authority of the Board of Directors of said company. The Board of Directors of said company may receive subscriptions for stock, and require payment of the same from such persons in such manner as they may, by resolution, determine, and they may forfeit shares for the nonpayment of the arrears due thereon. And the said company is hereby vested with all the powers, privileges and immunities usually belong-

ing to bodies corporate, or proper to carry into effect the purposes of this act.

Sec. 3. That the right of way and the right to construct and maintain lines of telegraph through and over the public lands, and along and upon any of the public roads and highways, or across any of the waters within the limits of this State, by the erection of the necessary fixtures, including posts, piers, or abutments, for sustaining the cords or wires of such lines, by the laying of cables, or by any other means, is hereby granted to the said company, its successors and assigns; provided, the same shall not be so constructed as to necessarily impede the public use of said roads or highways, or navigation of said waters. The said company is hereby authorized to take from the public lands of the State, materials of earth, stone, timber, and other things, for the construction and maintenance of its lines and works, and any grounds or lots upon public lands of the State, necessary or convenient for the stations, buildings, workshops, depots, offices, or machine shops of said company, are hereby granted to it; the same to be designated, selected and certified to the Governor of the State, as is hereinafter provided for, in the case of other lands to be granted to said company, which shall thereupon be entitled to a patent for the same. The said company is hereby in like manner authorized, subject to the condition provided in the Constitution and laws of the State, and empowered to enter upon, purchase, take, hold, or to exercise and enjoy the rights of way, and the privileges of constructing and maintaining its lines of telegraph, through and over any private lands or premises that may be necessary and proper for the construction, working and maintaining of such lines, or the building of station-houses, depots, offices, machine-shops, or other structures. And in case the owner of such lands or premises and the said company cannot agree as to the value of or damage to the premises taken or to be taken, or over which the said right of way and construction is to be exercised and enjoyed, the value of such premises or the amount of damage resulting from the exercise of such right of way and construction, shall be determined by the appraisal, on oath, of three disinterested commissioners, who shall be appointed, upon application by either party, with five days notice to the other, by the District Court for the county, within which such lands or premises are, or by any Judge thereof at chambers or otherwise; and said commissioners, in their assessment of value or damages, shall appraise such premises, or the damage done by the exercise of such right of way and construction, at what

would have been the value or amount thereof, if the line had not been run, and without any regard to any enhanced value of such premises, resulting from the construction of, and building, proposed or actual, of the said line. Upon payment of such appraisement, the company to have immediate right to exercise such right of way, or acquire a full title to the premises. But either party, within ten days after the notification by the other, of such appraisement, shall have the right to appeal therefrom to the District Court of the county where the land is situated, and demand a jury of twelve men to estimate the value or damage, when a trial shall be had de novo; but such appeal shall not interfere with, nor stay the right of the company to exercise its right of way, and to continue the construction and maintenance of its lines. On the payment into court by the company of the amount estimated by the jury or assessors, shall vest in the company, the full title to the premises, or the complete right to exercise the right of way.

Sec. 4. That the capital stock of the said company shall consist of ten thousand shares, of one hundred dollars each, which shall, in all respects, be deemed personal or moveable property, and shall be transferable in such manner as the by-laws of said corporation shall provide. But the amount of the capital stock, and the number and amount of shares, may be increased or diminished from time to time, as shall be determined by a vote of the majority of the stockholders at any general meeting, or at any meeting which may be called by the board of directors for that purpose. The persons named in the first section of this act are hereby appointed commissioners, and shall be called the board of commissioners of the Texas and California Telegraph Company, and five shall constitute a quorum for the transaction of business. The first meeting of the said board of commissioners shall be held at such time and place as the first three commissioners, herein named, or a majority of them, shall appoint, not more than six months after the passage of this act, notice of which shall be given by them to the other commissioners, by publishing said notice in at least one newspaper in the cities of Houston, New Orleans, and New York, once a week, at least three weeks previous to the day of meeting. The said board shall organize by the choice of a President, Vice-President, Secretary and Treasurer; the last two not necessarily members of the board of directors. Under the instructions of the President, the Secretary shall call all other meetings, naming the time and place thereof. Said board shall open books, or cause books to be opened, at such places and times as they, or a quorum of

them, shall determine, within six months after the passage of this act, and shall receive subscriptions to the capital stock of said corporation, and a cash payment of such per centum on all subscriptions as they may determine to be needful, and shall receipt therefor. So soon as one-half of the shares shall be subscribed for, and the cash payment required thereon be paid into the treasury of the company, the President shall appoint a time and place for the first meeting of the subscribers to the stock of said company, and shall give notice thereof in at least one newspaper in each State in which subscription books have been opened, at least ten days previous to the day of meeting, and such subscribers as shall attend the meeting, so called, either in person, or by lawful proxy, shall elect, by ballot, directors for said corporation, and in such election each share of said capital stock shall entitle the holder thereof to one vote. The president and secretary, or in case of their absence or inability, any two of the officers of said board, shall act as inspectors of said election, and shall certify, under their hands, the names of the directors elected at such meeting, and the said commissioners shall then deliver over to said directors all the properties, subscription books, and other books in their possession, and thereupon the duties of said commissioners shall determine, and thereafter the stockholders shall constitute the said body politic and corporate. The board of directors, thus elected, shall have the power to appoint a President, Vice-President, Secretary and Treasurer, (the last two named of whom need not necessarily be members of the board of directors,) and to prescribe the duties and powers of each, and the said board of directors, or a majority thereof, shall have the power to sell, assign, exchange, barter, or give, in payment, such stock not subscribed for, or any portion thereof, for the purchase of any materials, patents, or other property, or effecting an exchange of stock with any other telegraph company, with which the company hereby created may be consolidated, confederated, or associated, or for the settlement of any obligation incurred by said company, or for the promotion of its interests.

Sec. 5. That the board of directors, whose election is provided for in the foregoing section, shall continue to serve for one year after their election. After that period there shall be annually elected not less than seven nor more than nine directors of said company, and they shall be elected by the stockholders on the first day of August of each year. The directors shall annually choose from among their own number a President, and in case of the death, resignation or removal of the President, or any

director, such vacancy or vacancies may be filled for the remainder of the year by the board of directors. And in case of the absence of the President, the board of directors may appoint a President pro tem., who shall have such functions and powers as the by-laws of said corporation shall provide. At all meetings of the stockholders, each stockholder shall be entitled to one vote on each share of stock belonging to him, which vote may be given in person, or by written proxy. The directors may also choose out of their own number, a Vice-President and Executive Committee, whose powers and duties shall be prescribed by the by-laws. The affairs and business of the said company shall be administered by the board of directors, elected as aforesaid, and said board may make and establish such by-laws for the proper management and regulation of the affairs of said company as they may deem necessary and proper.

Sec. 6. That in case an election of directors shall not be made at the time prescribed in this act, the said corporation shall not for that cause be deemed dissolved, but such election may be held at any other time as shall be provided for in the by-laws; and the directors, for the time being, shall continue to hold their office until new ones shall have been chosen in their places.

Sec. 7. That a majority of the directors of said company shall constitute a quorum for transacting business. The meeting of stockholders and board of directors may be held as well out of as within the State, at such times and places as may be provided by the by-laws, from time to time. The directors, and other officers of the company, may be residents either of this or any other State, and may hold office, and exercise their powers either within or without this State: and the principal office and the books of the company shall be kept at such places within or without this State, as the directors may from time to time select; provided, that the said company shall always have and maintain, in this State, an office where process may be served on the company.

Sec. 8. That it shall be the duty of said company, on receiving dispatches for transmission, to transmit the same with impartiality and good faith, on payment of the tariff of charges established by the regulations of the said company. The said company, however, shall have the right to make such stipulations and rules to limit its liability, and may insure the messages to be transmitted to such an amount and according to such a scale as it may deem proper; provided, however, that the said company shall not be bound to receive and transmit dispatches from or for any other company or association doing business in

competition with the line over which the dispatch is required to be sent; and provided, further, that arrangements may be made by said company with the proprietors or publishers of newspapers for the transmission of intelligence of general interest, out of its regular order, and that on the application of the officers of the State, whenever it may be necessary for the prevention of crime, or the arrest of persons accused of crime, or fleeing from justice, the message of such officers shall be entitled to immediate dispatch.

Sec. 9. That no stockholder or stockholders shall ever be liable for the contracts, debts or defaults of said company, in any further sum than the unpaid balance due the company on the share or shares owned by him or them, until after all remedies, legal and equitable, against the company itself, shall have been first exhausted.

Passed November 13, 1866.

CHAPTER CCXVII.

An Act to incorporate Powderhorn Bayou Dredging Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That a body corporate and politic, under the name and title of the Powderhorn Bayou Dredging Company, is hereby created and established, to consist of a board of directors, under said corporate name and title, of not more than nine or less than five stockholders in said company; and by that name and title said company may sue, be sued, plead and be impleaded, and maintain any action to final judgment and execution; may purchase, receive, take, hold, buy, enjoy, sell and convey real, personal and mixed property, and do and perform all other acts and things necessary and proper to the successful prosecution and attainment of the objects of the company; may have a seal; may make contracts with a seal, and may make by-laws for their own government not conflicting with this act, nor with the Constitution of this State, of the United States, or with the general laws of either. That H. J. Huck, H. Beaumont, W. R. Johnson, R. A. Porter, G. Mason, F. S. Stockdale, G. H. Giddings, G. W. Carter, James McCoppin, D. G. Beaumont, E. Wood, J. Payne, H. Seeligson, Herne J. Kerr, W. L. Parker, C. L. Stadler and Wm. M. Cook, are hereby appointed and constituted commissioners to organize said company and receive sub-

scriptions to the capital stock thereof, and for that purpose, they shall, as soon as practicable, consistent with the interests of the company, open books at the city of Indianola, and at such other places as they may deem expedient, notice thereof being first given by advertisement in some newspaper published in the said city of Indianola, twenty days before opening books. A majority of the commissioners shall constitute a quorum to do business and open said books for subscriptions of stock, and whenever as many as one thousand shares are subscribed for, and five per cent. thereof paid in, the commissioners, or a majority of them, shall convene and call a meeting of the stockholders, giving public notice thereof, by advertisement, twenty days before the meeting, in some newspaper published in Indianola, stating the time and place thereof; and when, said stockholders must, or a majority of them in amount of stock be represented at said meeting, they shall proceed to elect a board of directors, of not more than nine persons, or less than five, who shall each be owner in his own right of at least five shares of the capital stock of said company. The directors, when so elected, shall choose one of their number as president, and the president and directors shall have power and authority to appoint a secretary and treasurer to said company (who need not be necessarily stockholders,) and to appoint such other agents and employes as the interests of the corporation may demand, and to demand and take bonds, with such good and sufficient surety for the faithful performance of their duties, as they may think just and proper. The capital stock of said company shall be one hundred thousand dollars, with the privilege of increasing it to two hundred and fifty thousand dollars, to be divided into shares of one hundred dollars each. Each share shall entitle the owner thereof to one vote, in person or by proxy, at all elections by the stockholders. Whenever the stockholders shall have elected directors, and they shall have organized by the election of president and the appointment of secretary and treasurer, the commissioners hereinbefore named shall deliver the books of the company and pay over to the president and directors all amounts by them received for stock and all other property they may have received, whether by purchase, donation or otherwise, for the use of said company, reserving a reasonable amount as compensation for trouble and expenses in transacting the business of the company. A majority of the directors shall form a quorum to transact business. The office of the Powderhorn Bayou Dredging Company shall be located in the city of Indianola, and all meetings of directors and stockholders for the transaction of business shall be held

there. After the first election of directors, they shall be elected annually, on the first Monday of April; and if, from any cause, the election shall not be held on that day, it may be held as soon thereafter as practicable, and all elections shall be advertised twenty days before held, by publication in a newspaper published in the city of Indianola.

Sec. 2. That the object of said company shall be to dredge a channel from the ship's anchorage in Matagorda Bay, across Powderhorn Bayou bar into Powderhorn Bayou, to any distance in the rear of the city of Indianola as may be deemed necessary, as per plan of said city made by Thielpape, and to so construct the sides or banks of the said channel, and secure them by driving piles and planking and curbing them, or by walling them with stone or other material as may be necessary to secure the banks or sides of the channel from abrasion by the action of the water during the ebb and flow of the tides; to make said channel of such width and depth that any vessel drawing not more than eight feet water can pass in and out with convenience and without delay; provided, that the company shall not be allowed to make any portion of the channel more than one hundred feet wide, except at such places where it may be necessary to make it of greater width to enable vessels entering said channel to turn round and pass out with dispatch. That, upon the condition that said company shall make a channel eight feet deep and one hundred feet wide, with good and substantial embankments on both sides of said channel, from the ship anchorage, in eight feet water, to the margin of ordinary low tide, there is hereby set apart and granted to the use of said company sixty feet on each side of said channel, across the flats, from the ship anchorage in Matagorda Bay aforesaid to the margin of the water at ordinary low tide. That the said company shall have the right and privilege of making Powderhorn Bayou of the uniform width of at least one hundred feet and of the depth of eight; and further, the said company shall have the right to appropriate to their use so much of Powderhorn Bayou as may be necessary to enable the company to dredge a channel one hundred feet wide and eight feet deep, to the head or upper end of the contemplated harbor in the rear of the city, and for one or more basins of the same depth, and not less in width than two hundred feet, by paying the reasonable cash value thereof to the owners or proprietors at the time the same shall be taken possession of by said company for such purpose.

Sec. 3. That if the company and the owner or owners of

any private property to be appropriated as authorized in the second section of this act shall not be able to agree upon the price to be paid for said property, the owner or owners, their agent or attorney, may apply to the County Judge of the county of Calhoun, or to the Judge of the tenth Judicial District of the State, and it shall be the duty of the Judge so applied to, to appoint three disinterested freeholders, citizens of said Calhoun county, to assess the damage, and said freeholders, being first duly sworn to assess the value of the property appropriated, and having given the parties interested due notice, in writing, of the time and place of meeting, (to appraise the value of the property and hear the testimony in the case,) shall proceed, after investigating the matters in dispute fully, to make their award, and shall immediately return it to the Court from which the order emanated; and said Court, at its next term thereafter shall pass upon the same as in ordinary cases of awards by arbitrators, and confirm or set aside the award as the justice and equity of the case may require; and either party who may feel aggrieved by the award shall have the right to appeal therefrom, as in other cases. In making the award herein mentioned, the appraisers or arbitrators shall take into consideration the enhanced or depreciated value of other property of the parties adjoining or near that appropriated.

Sec. 4. That the Powderhorn Bayou Dredging Company shall have the privilege and power to do all necessary work by curbing, piling and boxing in the embankments to be made by said company, so as to render them permanent and prevent them being injured by surf or currents. That when the said company shall have completed the channel from the ship anchorage into Powderhorn Bayou, and as far west as main street, in such manner as vessels can enter through said channel and land on the north bank of the bayou and discharge and receive cargoes, the company shall be authorized to demand and receive from all vessels, or water crafts, or boats of any size whatever, entering or passing out of the bayou or channel, laden, tonnage dues, not exceeding twenty-five cents per ton (by measurement,) and on all vessels entering and passing out light or without cargo, not exceeding fifteen cents per ton, (by measurement.) The company shall have no right to or ownership of the land on the banks along and on Powderhorn Bayou, nor any control over the same, except so far as may be necessary to enable the company to make the bayou of uniform width and depth, and to keep the banks in good order by curbing or otherwise, to prevent abrasion by the currents, as hereinbefore enacted. The tonnage dues

herein named shall be paid by the owners, masters, purser or clerk of vessels before leaving or going out of said channel.

Sec. 5. That the entire control and management of the affairs of the company shall devolve on the directors as soon as the first board shall have been elected, and the functions of the commissioners shall then cease. The directors shall continue to keep the books open for the capital stock of the company until, in their judgment, a sufficient amount is subscribed to enable the company to complete the work contemplated; but so soon as a sufficient sum shall be raised in actual cash to authorize (according to their judgment) the company to commence operations, they shall do so; and for the purpose of facilitating the business, the directors are hereby authorized and empowered to issue the bonds of the company and negotiate them in order to raise money at such rate of discount not to exceed twenty-five per cent.; and the bonds issued shall not draw a higher rate of interest than eight per cent. per annum, and shall be payable in not more than ten years after date; and no bond or obligation shall be issued at any time by said company falling due or being payable at a time subsequent to the expiration of this franchise; and it shall be the duty of the directors, whenever any bonds are issued, to provide a sinking fund for the payment of the interest and principal as they may become due. No bond or note of said company shall be executed (for the purpose of being sold or negotiated to raise money) for any amount less than one hundred dollars. All bonds, notes and contracts made by the company shall be signed by the president, or some other officer thereof duly authorized by the board of directors or a majority of them. The directors shall cause books to be kept by the secretary, or some other duly authorized person, in which shall be entered all the business transactions of the company, and all transfers of stock, or transfers of other property connected with the company, or owned thereby, shall be therein entered of record, and the books shall be kept open to the inspection (at all times) of the stockholders and all other persons interested. No stock shall, at any time, be issued or granted any person without the payment of five per cent. in money at the time of subscribing; and the commissioners and directors who may violate this provision shall be personally liable to the company for five per cent. of the stock so subscribed, on which five per cent. was not paid at the time of subscribing. The directors shall have the power to call on the stockholders, from time to time, for such amount or instalments on the stock held by them as they shall deem expedient and proper and the interests of the company require;

and any stockholder who shall fail to pay up the amount of the call, after notice of thirty days served on him, in writing, or given by advertisement in a newspaper published in the city of Indianola, shall forfeit his right to hold said stock, and the directors shall sell the same, after twenty days' advertisement in a newspaper published in said city; and if it shall not bring, at public auction, a sum sufficient to pay the amount due thereon, the owner shall be held liable for the deficit; but if it bring more than the amount due, with costs and interest added, he shall receive the excess.

Sec. 6. The directors are hereby authorized to transfer stock in said company in payment of the dues thereof for work done for, or materials or money furnished the company for the advancement or completion of the object for which this charter is granted.

Sec. 7. The Powderhorn Bayou Dredging Company shall have the right and privilege to curb and pile the bank of the bayou on the south side, and make such embankments along the same as may be absolutely necessary to be done to accomplish the ends for which the company is created.

Sec. 8. Should any stockholder in this company desire to withdraw from the company, he or she so desiring may sell or dispose of his or her stock in the market, and have it transferred on the books of the company, and thereby be released from all responsibility as stockholders therein for any losses the company sustains after the transfer is made and recorded, and shall be debarred from any benefits or profits arising from said stock thereafter. A majority of the stockholders shall concur in any proposition to dissolve the company before said proposition shall be acted on.

Sec. 9. The stock or shares in said company shall be personal property, and transferrable by assignment entered in the books of the company, and the stockholders shall be held liable each only for his or her amount of stock therein owned. The directors shall call the stockholders together whenever the interests of the company require it. They shall discharge the duties of their offices until their successors are elected and installed, and shall have power to fill vacancies that may occur by resignation or otherwise, from time to time, until their regular elections.

Sec. 10. All the rights, powers and privileges granted in this act shall continue in force for twenty-five years from and after the passage hereof. The channels, canals and other works enumerated in this act, shall be commenced within two years from the first day of December next, and be completed in five years thereafter; and this act shall be in force and have effect from

and after its passage; and nothing in this act contained shall be construed to grant banking privileges.

Passed November 13, 1866.

CHAPTER CCXVIII.

An Act to incorporate the Capital Petroleum Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That George W. Davis of Williamson county, Wayman F. Wells and Thomas H. Bacon of Travis county, and L. M. Mays of Williamson county, be and they are hereby appointed commissioners to open books and receive subscriptions to the capital stock of a corporation to be known and styled the Capital Petroleum Company. They shall receive no subscriptions to said stock unless ten per cent. thereof, in cash, shall be paid to them at the time of subscribing; and should they receive subscriptions to said stock without such payment, they shall be personally liable to pay the same to said corporation when organized. A majority of said commissioners shall constitute a quorum to do business, and may hold their meetings at such times and places as a majority shall designate; provided, that public notice of all such meetings shall be given by publication in some newspaper printed in the city of Austin, at least twenty days before any such meeting; and provided further, that the commissioners hereinbefore named shall not, by virtue of the provisions of this act, acquire any right or interest in and to the franchise granted, but shall have no other right or power than to carry out the trusts hereby conferred upon them to organize said Company in accordance with the provisions of this charter.

Sec. 2. That the subscribers to said capital stock, whenever they shall have elected Directors in the manner hereinafter provided, shall be and they are hereby created and established a body politic and corporate under the name and style of the Capital Petroleum Company, with power and capacity in said corporate name to make contracts, to have succession and a common seal, to make by-laws for the government and regulation of said Company, to sue and be sued, to plead and be impleaded, to grant and receive, to hold and convey property both real and personal, and generally to do and perform all such acts as may be necessary and proper for or incident to the fulfillment of its

obligations, for the maintenance of its rights under this act, and in accordance with the Constitution and laws of this State.

Sec. 3. That the capital stock of said Company or Corporation shall be thirty thousand dollars, and it shall have power to increase the same to five hundred thousand dollars. The said Corporation shall be and is hereby invested with the right and privilege of locating, constructing, owning and maintaining all the machinery, wells buildings and apparatus and lands, and whatever may be necessary for procuring petroleum or rock oil from the earth by boring wells or otherwise, and for the preservation of the same in the crude state, or the manufacture thereof into any of the forms in which it is used in commerce.

Sec. 4. The capital stock of said Company shall be divided into shares of fifty dollars each, each share entitling the owner or holder thereof to one vote in person or by proxy, at all meetings of the Company, and the shares shall be deemed personal estate, and shall be transferable by any conveyance in writing recorded by the Treasurer in books kept by him for that purpose at his office, or by any other officer duly authorized by the Directors, in books kept by him at such other place as the Directors may appoint, and such transfers as may be recorded in any other place as aforesaid, shall within ninety days be reported to the Treasurer and by him entered on the books.

Sec. 5. That the immediate direction and control of the affairs of said Corporation shall be vested in a Board of not less than five Directors; said Directors shall elect one of their own number to be President of the Company; whenever ten thousand dollars of the capital stock of said Company shall have been subscribed, and ten per cent. thereof shall have been paid to the Commissioners hereinbefore named, they shall cause an election to be held by said subscribers, at the city of Austin, for not less than five Directors, having first given public notice of the time and place of said election in some newspaper published in said city of Austin, after which, said Commissioners shall account for and pay over to said Directors all such sums of money as they shall have received of the subscribers of the capital stock of said Company, (first deducting a reasonable compensation for their services as Commissioners.) No person shall be eligible to the office of Director unless he shall be a subscriber for or owner of at least three shares of the capital stock; the Directors shall have power to fill any vacancy in their body arising from non-election or otherwise; they shall have power to appoint a Clerk, Treasurer, or any other officer or agents, as they may deem necessary, and prescribe and require bonds for the faithful per-

formance of their duties; they may make all necessary rules and regulations for holding of meetings and all other things they may deem proper for carrying out the provisions of this charter and business of the Company; they shall keep, or cause to be kept, correct books of record of all the meetings of the Directors and Company, and accurate books and accounts of receipts and expenditures of the Company, and all other such books and accounts necessary and proper to be kept by such Company, which books shall be open to the inspection of the stockholders. A majority of the Board of Directors shall have the powers of a full Board; and all conveyances and contracts executed in writing, signed by the President and countersigned by the Treasurer, or any other officer duly authorized by the Directors under the seal of the Company, and in pursuance of a vote of the Directors, shall be valid and binding.

Sec. 6. The Directors shall have power to receive further subscriptions to the capital stock of said Corporation from time to time until the full amount thereof shall have been subscribed; but ten per cent. of all such subscriptions shall be paid in cash at the time of subscribing, and the Directors shall be personally liable to said Company for ten per cent. of all subscriptions they may receive to said capital stock; provided, however, that said Company may, by a vote of a majority of the stockholders, cause certificates of the stock to be issued in payment of any debt contracted for the purchase of lands, machinery, or whatever may be necessary for putting the Company in operation; and any agreement in writing whereby any person shall become a subscriber to the capital stock of said Company, shall be enforced against him according to its terms. If any subscriber shall fail to pay any amount due upon shares subscribed for by him, according to the terms of his subscription, the Directors may, after twenty days public notice, sell at public auction the shares subscribed for by said delinquent, and transfer the same to the purchaser of such shares; if the proceeds of the sale shall not be sufficient to pay the amount due, with interest and charges, such delinquent shall be held liable to the Company for the deficit, and if the proceeds shall exceed the amount so due, with interest and charges, he shall be entitled to the surplus.

Sec. 7. That said Company may purchase and hold any lands they may desire, for the purpose of carrying out their aims and objects.

Sec. 8. That said Company shall have power to borrow money on their bonds or notes at such rates as the Directors

may deem expedient; provided, that nothing in this act shall be construed to confer banking privileges of any kind.

Sec. 9. That upon the written request of one-fourth of the stockholders, the President of the Company shall call a meeting of the Directors, and upon the written demand of three-fourths of the stockholders, the President shall remove any one or the whole of the Directors, and order a new election within thirty days, which Directors, when so elected, shall hold their offices until the time prescribed for the next regular election.

Sec. 10. This act of incorporation shall expire in fifty years unless it shall be renewed or extended.

Passed November 13, 1866.

CHAPTER CCXIX.

An Act to incorporate the Corpus Christi Coal and Petroleum Railroad Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That a corporation and body politic be, and the same is hereby created, to consist of the President, Directors and Stockholders, of an Association, to be styled "The Corpus Christi Coal and Petroleum Railroad Company," and Benjamin P. Hollingsworth, Hugh F. Young and John M. Moore be, and they are hereby appointed Commissioners to organize said company; and said company shall have power, in their corporate capacity, under the name and style of "The Corpus Christi Coal and Petroleum Railroad Company;" to have succession and a common seal; to make contracts, to sue and be sued; to plead and be impleaded; to grant and receive; to make by-laws, and generally to do and perform all such acts and things proper and necessary to be done, to carry into effect the objects and consummate the ends of this incorporation and the maintenance of the rights accruing under or connected with it, if not inconsistent with the laws of this State.

Sec. 2. That said corporation is hereby invested with the right to locate, construct, own and maintain, a Railway, commencing at or near the city of Corpus Christi, in the county of Nueces, and running thence to a point at or near where the road from San Antonio to Eagle Pass crosses the Nueces river, and thence to the Rio Grande river, at or near the Presidio del Norte.

Sec. 3. That the capital stock of said company shall be five

millions of dollars, divided into shares of one hundred dollars each, and each share thereof shall entitle the owner to one vote, in person or by written proxy, at all meetings of the stockholders; and the shares shall be deemed personal property, and shall be transferred on the books of the company by the person owning the same, or by his legally constituted agent or attorney, but such stock shall be at all times holden by the company for any dues from the owner thereof to the company, or for any sums that may thereafter become due on any contract made with said company prior to such transfer.

Sec. 4. That the commissioners named in the first section of this act, or a majority of them, shall, so soon as convenient, cause books to be opened for subscription to the capital stock of said company, in the city of Corpus Christi, which books shall be kept open such time as said Commissioners may direct, and until two hundred and fifty thousand dollars of the capital stock may be subscribed; due notice shall be given of the opening of said books, by publication in some newspaper published in the vicinity of the proposed line of said road; and when said two hundred and fifty thousand dollars of the capital stock may be subscribed, the Commissioners shall call a meeting of the subscribers to organize said company, as herein-after directed; and any agreement, in writing, by which any person shall become a subscriber to the capital stock of said company, may be enforced against him according to its terms; and if any person fails to pay the amount due by him to said company, for shares in said capital stock, according to the terms of his subscription, after the organization of said company, the Directors or their duly authorized agents may sell, at auction, after thirty days notice, and transfer to the purchaser the shares of the delinquent; and if the proceeds of the sale shall not be sufficient to pay the amount due on said subscription, with interest and charges, said delinquent subscriber shall be held liable to the company for the deficiency due on such subscription; and if the proceeds of any such sale should exceed the amount so due, with interest and charges, said delinquent shall be entitled to the surplus.

Sec. 5. The immediate direction and government of the affairs of said company shall be vested in a Board of not less than five nor more than thirteen Directors, who shall elect one of their number President of said company. No person shall be eligible to the office of Director unless he be the owner of at least ten shares of the capital stock of said company. The Directors shall be elected annually by the stockholders of said company, each being entitled to one vote for every share he may own, the first

election to take place within two years from the taking effect of this act, at such time and place as the persons named in the first section of this act, or a majority of them, may determine; provided, however, it shall be within the State of Texas; and provided further, at least one-half of said Directors shall be citizens of the State of Texas; and should a vacancy occur in said Directors, by death or resignation, or otherwise, such vacancy or vacancies may be filled by the residue of said Directors for the unexpired term; and should the stockholders, for any cause, fail to hold an election at any regular period, those in office shall continue Directors until a regular election. It shall be the duty of the Directors to appoint from among themselves, or otherwise as they may see fit, a Secretary and Treasurer; to prescribe their duties and to require of them bond for the faithful discharge of the same; they shall keep, or cause to be kept, a record of all their proceedings, and an account of the receipts and expenditures of said company, and all other books necessary and proper to be kept by said company, and the same shall be open at all reasonable hours for the inspection of any person interested in same company. A majority of the Board of Directors shall have authority of a full Board, and all conveyances and contracts within the purview of this act, when authorized by said Directors shall be valid and binding, if executed in writing by the President and countersigned by the Secretary, or in such other manner as may be prescribed by the by-laws and regulations of said company.

Sec. 6. There is hereby granted to said company the right of way over any of the public lands, roads or highways, necessary for the construction of said road, and said company may purchase, or otherwise obtain from the owners, the right of way over lands through which the road may run, as well as all lands necessary for the construction of depots and other necessary buildings; and in case said company cannot obtain such right of way and lands, by agreement with the parties holding and owning the same, they shall pay therefor such compensation as shall be determined upon, in the manner provided in the following section; provided that the land so taken for the road-bed shall not exceed two hundred feet in width, and for depots and other buildings, such further width as may be necessary for the proper construction and use of the same for the purpose herein authorized and intended.

Sec. 7. That any person, whose land has been taken as aforesaid, without agreement or satisfactory compensation, may apply to the District Court of the county in which said land lies, for

the appointment of Commissioners, to assess the value thereof, and said Court shall thereupon appoint three disinterested freeholders of said county, whose duty it shall be to appoint a time and place to hear the applicant and company, and give them reasonable notice of said time and place, and after being duly sworn and hearing the parties, shall determine the amount of compensation, if any, to which the applicant may be entitled, and make a return thereof, as their award to the next term of said Court. If said award is not rejected by said Court for sufficient cause, then shown, by one of the parties, it shall be entered as the judgment of the Court, and the use of said land condemned for the benefit of said company; in determining the question of compensation, said commissioners shall be governed by the actual value of the land at the time it was taken, and the benefit or injury done to the other lands and property of the owner, by the establishment of said Railway; and if the amount of compensation awarded by said commissioners shall not exceed the amount offered by said company prior to said application to the Court, the applicant shall pay the cost of the proceedings, otherwise the company shall pay the same; provided always, that the provisions of this charter shall, in no respect, conflict with the General Railroad Law of this State.

Sec. 8. That said commissioners may acquire real estate, by gift or purchase, and may appoint agents in such manner as they may think fit, with full authority to receive subscriptions of stock and conveyances of land to said company, until the time fixed for the first meeting of the stockholders, which authority may then be extended by the Directory elected at said meeting of the stockholders.

Sec. 9. Said company shall have the right to demand and receive such rates of prices, for the transportation of freight and passengers, as they may think proper to establish, not exceeding five cents per mile for passengers, and fifty cents per hundred pounds of freight for every hundred miles the same may be carried: provided that the Legislature of this State shall have the right, at all times, to regulate the price of passage and transportation of freight upon said road, so as not to reduce the same below twelve per cent. interest per annum upon the actual costs of the same, and equipments thereto attached.

Sec. 10. Said company shall commence the construction of said road within two years from and after the taking effect of this act, and twenty-five miles thereof shall be completed in good running order within twelve months thereafter.

Sec. 11. That said stockholders in said company shall be

required to pay in five per cent. upon their stock on or before the first meeting of said stockholders, as hereinbefore provided, and such further assessments as may, from time to time, be made by said company, until the full and entire payment of their respective stock subscriptions; and any stockholder failing or refusing to pay the amount so assessed on his or their stock, within sixty days after the time named for such payment, such stockholder shall not be entitled to hold the office of director, to vote in favor of such stock, or to draw any dividend on account thereof, so long as the instalments called for remain unpaid or unsold, which may be done at any time after the expiration of said sixty days, as provided for in the fourth section of this act.

Sec. 12. The meetings of the commissioners associated by this act shall be held in the city of Corpus Christi, at such times as a majority of said commissioners may designate.

Sec. 13. That this charter is granted, subject to all the provisions of the general railroad laws as they now exist, or as they may be hereafter altered or amended.

Sec. 14. That this act of incorporation shall continue in force for the period of forty-nine years, unless sooner forfeited or repealed for the failure of said company to comply with the requirements and provisions of this charter or the general laws of the State applicable thereto.

Sec. 15. That the restrictions in the act amendatory of the third section of this act, entitled "An Act to provide for the investment of the Special School Fund in bonds of Railroad Companies incorporated by this State," approved August 13th, 1856, which confirms the benefit of said act to companies heretofore chartered, shall not apply to the company chartered by this act; provided, nothing herein contained shall be so construed as to exempt said company from complying with any of the conditions prescribed by said act and all other general acts for the benefit of railroad companies in this State.

Passed November 13, 1866.

CHAPTER CCXX.

An Act to amend an act to incorporate the Houston Insurance Company, approved February 1st, 1858.

Be it enacted by the Legislature of the State of Texas, That an act entitled an act to incorporate the Houston Insurance Com-

pany, approved February 1st, 1858, be amended so as to read as follows:

Section 1. That W. J. Hutchins, A. J. Burke, J. T. Tinsley, W. A. Van Alstyne, W. M. Rice, R. S. Willis, P. W. Gray, E. S. Perkins, E. H. Cushing, and their associates, stockholders in the Houston Insurance Company, organized under the aforesaid charter, on the 7th of June, 1866, are hereby incorporated as a Company, for the purpose of transacting a general insurance business, which company shall be known by the name of the Houston Insurance Company; and the said stockholders and their associates and successors shall have continuous succession, and by that name shall be capable of suing and being sued, in all the courts of this State; of purchasing, holding and conveying property of all descriptions, to the extent of its authorized capital, to make, have, and use a common seal, and the same to alter and renew at pleasure; and generally to do any act necessary to carry into effect the object of the corporation, not inconsistent with the laws and Constitution of the State.

Sec. 2. The capital stock of this company shall be five hundred thousand dollars, divided into five thousand shares, of one hundred dollars each, on each of which fifty dollars in cash must be paid at the time of subscribing, and the residue at such times as the President and Directors may call. But the Company being now organized on a subscription for two thousand one hundred shares of said stock, it may continue with that amount of capital until the President and Directors may, in their discretion, order the books to be opened for the balance, or any part of the balance of the capital stock of the company. The said stock shall be deemed and held as personal property, and if any stockholder shall neglect and refuse to make the payments as required, his stock may be sold by order of the President and Directors in such manner as they may think fit to direct, and such stockholder shall be liable for the balance due by him as stockholder to the corporation, as it becomes due, and may be sued in the District Court of Harris county for the same.

Sec. 3. There shall be at each annual meeting of the stockholders an election held for not less than three nor more than seven directors, the number already fixed at the organization of the company, to-wit: seven to remain unchanged, except by resolution of the stockholders, at an annual meeting. The Directors shall hold their offices for the term of one year, or until their successors are elected. In all meetings of the stockholders, each stockholder shall be entitled to one vote for each share of stock held by him, and the stock may be represented either in person

or by proxy; the person to cast the vote of absent stockholders may be constituted by any written expression of the stockholders so appointing a proxy to vote for him.

Sec. 4. The said Directors shall, as soon as convenient, after their election, choose from their own number a President and Vice-President. They shall have full power and authority to make, appoint, and remove, at pleasure, all officers and agents of said corporation, to fix their compensation, prescribe their duties, and provide for the taking of bonds of them for the faithful discharge of their duties, and generally to manage the affairs of the said corporation. They shall also have power to fill any vacancies that may occur in their own body. If the President, or any Director, be absent without leave, for five successive regular meetings of the board, a majority of the same may declare his place vacant, and proceed to fill it, without notice to such absent President or Director. The Directors shall have power to pass such resolutions and by-laws, not inconsistent with this charter, as to them may seem proper. They may delegate such authority to agents as the interests of the company may require; they may execute, or cause to be executed, all bargains and contracts required in the business of the company; they shall also fix the places and modes of transfer of stock, as well as the payment of dividends. A majority of the board shall constitute a quorum for the transaction of business.

Sec. 5. This corporation shall have full power to make insurances upon all ships, or other sea, river, or bay vessels, and their freights, of whatever character, against loss from the dangers of navigation, or fire, and upon railroad cars, and goods, wares and merchandise conveyed upon railroad cars, against loss by fire while in transitu; and upon houses, stores, warehouses, and other buildings; and upon goods, wares, merchandise, etc., against loss or damage by fire, and to fix the rate of premium thereon. And it may loan its monies to any person or persons on any security it may think proper. It may receive deposits, buy and sell bills of exchange, drafts, or other obligations, bonds and other securities; provided, that nothing in this act shall be so construed as to authorize this corporation to use its monies in any manner which it may not be lawful for any citizen of this State to do.

Sec. 6. Said corporation shall be responsible to the extent of its property, and the stockholders to the amount of their respective stock not paid for, for all the liabilities of the corporation.

Sec. 7. This charter, and all the privileges and powers herein granted, shall continue in full force and effect for the term of

twenty-five years from the passage of this act. The property, funds, and business transactions of this corporation shall be subject to the same rate of taxation as by law is paid upon the property and similar transactions of individuals. This act shall be in force from its acceptance by said company; and until said company accept it, the act approved February 1st, 1858, entitled an act to incorporate the Houston Insurance Company, shall be continued in full force and effect regarding said company.

Passed November 13, 1866.

CHAPTER CCXXI.

An Act to incorporate the Galveston and Eastern Texas Tap Railroad Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That John Stamps, B. F. McDonough, James Jackson, A. Long, H. S. Janes, C. H. Alexander, F. F. Foscue, A. D. Kent, Benjamin Barrow, sr., and Isaiah Junker, and their associates and successors be, and they are hereby appointed Commissioners to open books and receive subscriptions to the capital stock of a Corporation to be styled the Galveston and Eastern Texas Tap Railroad Company, but they shall receive no subscription to said capital stock unless five per cent. thereof, in cash, be paid to them at the time of subscribing, and should they receive subscriptions to such stock without such payment, they shall be personally liable to pay the same to said Corporation when organized. A majority of said Commissioners shall constitute a quorum to do business, and they may hold their meetings at such times and places as a majority shall designate; provided, that public notice of the time and place of holding all meetings shall be given by publication in at least two newspapers of the State, one of which shall be printed and published in the city of Galveston, at least twenty days before any such meeting.

Sec. 2. That the subscribers to said capital stock, whenever they shall have elected Directors in the manner hereinafter provided, be, and they are hereby created and established a body politic and corporate, under the name and style of the Galveston and Eastern Texas Tap Railroad Company, with capacity in said corporate name to make contracts, to have succession and a common seal, to make by-laws for the government and regulation of the Company, to sue and be sued, to plead and be impleaded, to

grant and receive, and generally to do and perform all such acts as may be necessary and proper for, or incident to the fulfilment of its obligations and for the maintenance of its rights under this Act, and in accordance with the Constitution and laws of the State.

Sec. 3. The capital stock of said Corporation shall be five hundred thousand dollars, and it shall have power to increase the same to any amount not exceeding one million dollars. The said Corporation shall be, and hereby is invested with the right of locating, constructing, owning and maintaining a Railroad from such place as they may select at or near Bolivar Point, in a northeasterly direction, upon the most eligible route to a point of intersection with the Eastern Texas Railroad, at or near the town of Beaumont.

Sec. 4. The capital stock of said Company shall be divided into shares of one hundred dollars each, and each share shall entitle the owner thereof to one vote in person or by proxy, at all meetings of the Company; and the shares shall be deemed personal estate, and shall be transferable by any conveyance in writing, recorded either by the Treasurer, in books kept by him for that purpose at his office, or by any other officer duly authorized by the Directors, in books kept by him at such other place as the Directors may appoint; such transfers as are recorded in any other place, being within ninety days communicated to the Treasurer, and by him entered on his books.

Sec. 5. The immediate control and direction of the affairs of said Corporation, shall be vested in a Board of not less than five Directors; said Directors shall elect one of their own number to be President of the Company; when one hundred thousand dollars of the capital stock of said Company shall have been subscribed, and five per cent. thereof shall have been paid to the Commissioners herein before named, they shall cause an election to be held by said subscribers, at the town of Beaumont, or at such other place on the line of said road as may be fixed upon by the Commissioners, for not less than five Directors, having first given notice of the time and place of holding said election, in one or more newspapers published in the city of Galveston, at least twenty days next previous to said election, after which the said Commissioners shall account for and pay over to said Directors all such sums as they shall have received of the capital stock of said Company, first deducting a reasonable compensation for their services as Commissioners. No person shall be eligible to the office of Director unless he is a subscriber and the owner of at least five shares of the capital stock. The Directors

shall have the power to fill any vacancies in their body arising from non-election, or any other cause; they shall have power to appoint a Clerk, Treasurer and such other officers or agents as they may deem necessary, and prescribe their powers and duties, and may require bond with sureties for the faithful discharge of their duties, they shall make all necessary rules and regulations for holding meetings, and such other rules and regulations as they may deem necessary to enable them to carry out the provisions of this Charter, and conduct the business of the Company. They shall keep, or cause to be kept, correct records of all the transactions of the Company and of the Directors, and accurate books of accounts of the receipts and expenditures of the Company, and all other books and accounts necessary and proper to be kept by such Company, which books shall be open to the inspection of the stockholders. A majority of the Board of Directors shall have the power of a full Board, and all conveyances and contracts executed in writing, signed by the President and countersigned by the Treasurer, or any other officer duly authorized by the Directors, under the seal of the Company and in pursuance of a vote of the Directors, shall be valid and binding.

Sec. 6. The Directors shall have the power to receive further subscriptions to the capital stock of said Company, from time to time, until the full amount thereof shall have been subscribed, but five per cent. of all such subscriptions shall be paid in at the time of subscribing, and the Directors shall be personally liable to said Company for five per cent. of all subscriptions that they may receive to said capital stock without such payment; provided however, that said Company may by a vote of the majority of the stockholders cause certificates of stock to be issued in payment of any debt contracted for the construction or equipment of their road; any agreement in writing, whereby any person shall become a subscriber to the capital stock of said Company, shall be enforced against him according to its terms. If any subscriber shall fail to pay any amount due upon shares subscribed for by him according to the terms of his subscription; the Directors may, after twenty days public notice, in some newspaper printed and published in the City of Galveston, sell at public auction, the unpaid shares subscribed for by such delinquent, and transfer to the purchaser the shares so sold; if the proceeds of the sale shall not be sufficient to pay the amount due, with interest and charges, such delinquent shall be held liable to the Company for the deficit, and if the proceeds shall exceed the amount so due, with interest and charges, he shall be entitled to the surplus.

Sec. 7. It may be lawful for the Company to purchase and hold any land that may be necessary for the purpose of locating, constructing and maintaining said road, with all necessary depots and other buildings, and by their Engineers or agents enter upon and take possession of all such lands as may be necessary for the locating, constructing and maintaining said Railroad; and if they shall not be able to obtain such lands by agreement with the owner, they shall pay for the same such amount as shall be determined in the manner provided for in the following section; the land so taken for the Railroad shall not exceed two hundred feet in width, and for depots and buildings such further width as may be necessary.

Sec. 8. Any person from whom land shall have been taken for the purpose set forth in the preceding section, may apply to the District Court of the county wherein the lands are situated, for the appointment of appraisers, and said Court, after the proof of the President and other officers of the Company have been served with a notice describing the land, ten days before the holding of the Court, shall thereupon appoint three disinterested freeholders, citizens of the county, who shall appoint a time and place to hear the application, and the Company, to whose agent or President a reasonable notice shall be given by the Court, of said time and place, and said freeholders being sworn, after hearing the parties shall determine the amount of compensation as aforesaid, and make return of their award to said Court at its next term, and said award may be confirmed by the Court, or for any sufficient reason it may be rejected by the Court, in the same manner as awards by arbitrators under a rule of Court; and if confirmed by the Court, judgment shall be rendered thereon as in other cases. In determining the amount of compensation as aforesaid, the freeholders shall be governed by the actual value of the land at the time it was taken, taking into consideration the benefit or injury done to other neighboring lands of the owner, by the establishment of said road; if in any case, the amount found by the freeholders shall not exceed the sum proved to have been offered by the Company to the owner, prior to his application to the Court, the owner shall pay the costs of proceedings, otherwise the Company shall pay the same.

Sec. 9. The said Company shall have power to borrow money on their bonds or notes, at such rates as the Directors may deem expedient; provided, however, that nothing in this Act shall be construed to confer banking privileges of any kind.

Sec. 10. Upon the written request of one-fourth of the

stockholders, the President of the Company shall call a special meeting of the Directors, and upon the written demand of three-fourths of the stockholders, the President shall remove any one, or the whole of the Directors, and order a new election within thirty days, and the Directors elected at such election, shall hold their offices until the time prescribed for the next regular election, or until their successors are elected and qualified.

Sec. 11. Said Company shall commence work upon said road within two years after the passage of this Act, and shall complete a section of twenty miles within two years thereafter; and in case of failure to commence the work within the said two years, or having commenced within that time, a failure to complete a section of twenty miles within two years thereafter, then in either of said events this Charter shall be null and void.

Sec. 12. A majority of the Directors of this Company shall be citizens of this State, and their principal office shall be in the State of Texas, and on the line of this road, and all elections for officers of the Company shall be held where said office is located.

Sec. 13. The Company is hereby required, at all reasonable times, and for a reasonable compensation, to draw over their road the passengers, merchandise and cars of any other Railroad Corporation, which has been, or may hereafter be authorized by the Legislature to enter with their Railroad and connect with the Railroad of this Company, and if the respective Companies shall not be able to agree upon the compensation aforesaid, it shall be the duty of the President of each Company to select a man as Commissioner, and the two Commissioners so selected, shall choose a third in case of a disagreement, neither of whom shall be a stockholder in either road, or interested therein, and they shall fix the rates, which shall not be changed for one year from the time of going into effect; said Commissioners shall also fix the stated periods at which said passengers and cars are to be drawn as aforesaid, having reference to the convenience and interests of said Company and the public, who shall be accommodated thereby. The right or power is especially conferred on this Company to connect and contract with any Railroad heretofore or hereafter chartered, for the performance of like transport, and in any case of disagreement between Companies, the same shall be referred and settled as aforesaid, to be binding for one year as aforesaid; provided, any general law on this subject shall control the provisions of this Charter.

Sec. 14. This act of incorporation shall expire in thirty years, unless it shall be renewed or extended.

Sec. 15. This Company shall be subject to the provisions

and be entitled to the benefits of any general laws which have been or may hereafter be enacted by the State, regulating or encouraging the construction of Railroads, and this Charter shall in all cases be subject to and subordinate to the general Railroad laws of this State.

Approved November 13, 1866.

CHAPTER CCXXII.

An Act to Incorporate the Victoria and Columbia Railroad Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That Geo. F. Rogers, Thomas Steine, Richard Owens, H. S. Gaylord, C. L. Thurmond, C. Cassner, John Ragland, A. F. Hall, James Keen, John Brownson, Charles Wiesing, J. L. Nicholds, A. H. Cromwell, D. F. Williams, J. E. Ferguson, Wm. M. Varnell, T. W. House, Wm. Brady, A. Sessums, James Michell, A. J. Burke, E. H. Cushing, J. S. Sellers, J. M. Swisher, John Sealy, Gustave Ranger, John Duncan, John Rugely, I. N. Dennis, Geo. Quinan, John W. Brooks, Jno. Adriaance, and associates be, and they are hereby created a body corporate and politic, under the name and style of the "Victoria and Columbia Railroad Company," and they are hereby appointed Commissioners to open books and to receive subscriptions to the capital stock of said company. That they shall receive no subscriptions to said capital stock, unless five per cent. thereon be paid in cash, at the time of subscribing, and if they, or either of them, shall receive subscription to said stock, without five per cent. being paid as aforesaid, the said Commissioner, or Commissioners who shall do so, shall be personally liable for the payment of said five per cent. on the amount of stock so subscribed to the corporation when organized. A majority of said Commissioners shall constitute a quorum to do business, and they may hold their meetings at such times and places as a majority shall determine; Provided, that public notice be given of all meetings, in some newspaper published in Victoria county, or such other paper as they may previously agree upon, at least thirty days before any such meeting.

Sec. 2. Whenever two hundred thousand dollars of the capital stock of said company shall have been subscribed for, and five per cent. thereof paid in, as contemplated in the first

section, the stockholders shall be called together by said Commissioners, and an election held for President and Directors of said company, (thirty days notice of said meeting to be given in the manner pointed out in the first section,) and at said election, and all other elections held by the stockholders, there shall be but one vote cast for each share, which may be owned by the holders thereof, or by proxy. And whenever the said Victoria and Columbia Railroad Company, shall be organized by the election of President and Directors, it shall have the power and capacity, in said corporate name, to make contracts, to have succession and a common seal, to make by-laws for the regulation and government thereof, to sue and be sued, to plead and be impleaded, to grant and receive; and general powers to do and perform all such acts as may be necessary and proper for, or incident to the fulfilment of its obligations, and attaining the ends for which it is created, and for the maintenance of the rights and privileges of said company under this Act, if not in violation of the Constitution and laws of this State, or of the Constitution or laws of the United States.

Sec. 3. The capital stock of said company shall be two millions of dollars, with the privilege of increasing the same to three millions. The said corporation is hereby given the power and right of locating, constructing, owning and managing a railway, commencing at the town of Victoria, in Victoria county at such point East or North of San Antonio and Mexican Gulf Railroad, as the said company may deem proper, so as not to interfere with any houses that now exist, or the lots on which they are built, without the approbation of the owners thereof, and running thence by the most suitable route, or line, to the Brazos river, at the town of Columbia, in the county of Brazoria, or commencing at Columbia, on the Brazos river, and run on the most practicable route to the town of Victoria, terminating at, or near the San Antonio and Mexican Gulf Railroad, as the Directors may deem proper, or the interest of the company require. The said Victoria and Columbia Railroad Company shall have the right and privilege of constructing bridges across any intervening river, or water-course, between the town of Victoria and Brazos river, to enable them to carry out the objects of this Act; Provided, said bridges are so constructed as not to impede or in any wise obstruct the navigation of any of said water courses, or rivers that are navigable. That the capital stock of said company shall be divided into shares of one hundred dollars each, each share thereof entitling the holder or owner to one vote in person, or by proxy, (as hereinbefore named,) at

all meetings of said company for the transaction of business. Said shares are to be held and considered as personal property, and may be sold or transferred in any manner provided by the by laws of the company, the transfer to be recorded in a book to be kept for said purpose, and subject to inspection by any person interested; and the President and Directors shall, at their first meeting after the organization of the company, or as soon thereafter as practicable, establish by-laws for the government of the corporation, and publish the same in some newspaper at Victoria or Houston. The board of Directors shall have the immediate control and management of the affairs of said company, and shall be elected as follows: The stock-holders shall, at the meeting named in the second section, vote for one person as President, and for six others as Directors, and no person shall be eligible as President or Director, unless at the time of the election he is owner of at least three shares of the capital stock of said company, and shall have paid in the amount required on said stock.

Sec. 4. In all meetings of the Directors, a majority shall constitute a quorum to do business. The President shall preside at all meetings, and in his absence from any cause, the Directors shall appoint one of their number President pro tem. The President shall have no vote on any question before the Directors, except in case of a tie, (or when the Directors are equally divided in opinion,) in which case he shall have the casting vote. The Directors shall have the power to appoint a Clerk, Treasurer, and all other officers and servants necessary to enable the company to fulfill the objects for which it is created, and require bonds, with good and sufficient surety, for the performance of their several duties, in such amounts as they may fix by their by-laws, and they shall have power to fill any vacancy in their own body by electing a suitable person, or persons from among the stockholders. The President and Directors shall hold their office for two years, and until their successors are elected and qualified. After the first election, an election for President and Directors shall be held by the stockholders on the first Saturday in November, every second year after said first election, or as soon thereafter as practicable; and each President and Director, before entering upon the duties of his office, shall take and subscribe an oath, before some person authorized to administer oaths, to well and truly perform the duties of his office to the best of his ability and understanding. They shall keep, or cause to be kept, correct records of the meeting and proceedings of the Directors and stockholders of the company, and accurate books

and accounts of all the receipts and expenditures of the company, and all other books and accounts necessary to be kept by such companies, which books shall be open to the inspection of all the stockholders and other parties interested.—A quorum of the board of Directors shall have all the power of a full board. All conveyances and contracts signed by the President and Treasurer, or by any other person authorized by the Directors, under the seal of the company, and in pursuance of a vote of the Directors, shall be valid and fully binding.

Sec. 5. At the first meeting of the Directors, and after their election, as required in the second section, the Commissioners shall pay over to the Directors all the funds they may have received for the stock, and said Directors shall have power to receive further subscriptions to the capital stock of said company, from time to time, until the whole amount of the capital stock shall be subscribed; and five per cent. of all subscriptions shall be paid at the time of subscribing, and the Directory shall be personally liable for the five cent. on the amount of stock subscribed without the payment of said five per cent.; Provided, that said Directors, by a concurrent vote of a majority of the stockholders, may cause certificates of stock to be issued in payment of any debt, or liability contracted for the construction or equipment of their road; and any agreement in writing, whereby any person shall become a subscriber to the capital stock of said company, shall be enforced against him, in accordance with its terms. If any subscriber shall fail to pay any amount due upon any shares subscribed for by him, according to the terms of his subscription, the Directors may, after twenty days notice, sell at auction the shares so subscribed for by the delinquent, and transfer said shares to the purchaser thereof. If the proceeds of said sale be not sufficient to pay the amount due, with interest and charges, the delinquent shall be held liable to the company for the deficit; but if the proceeds exceed the amount of liability, he shall receive the excess.

Sec. 6. It shall be lawful for the company to purchase and hold any land that may be necessary for the purpose of constructing and maintaining said Railway, with all depots and other buildings, and by their engineers or agents enter upon, and take possession of all such lands as may be necessary for the locating, constructing and maintaining said Railway, and if they shall not be able to obtain said lands by agreement with the owner or owners thereof, they shall pay such amount for the same as shall be determined in the manner pro-

vided for in the following section: The land so taken for the Railroad, shall not exceed in width fifty yards, and for depots and other buildings, only such further width as may be necessary.

Sec. 7. Any person from whom lands may be taken, for the purposes set forth in the preceding section, may apply to the District or County Court, where the land is situated, for the appointment of appraisers, and said Court, after proof that the President and Directors of the Company have been notified of such application ten days before holding said Court, shall appoint three disinterested freeholders of the county, who shall appoint and fix a time for hearing the complaint, and the company, to whose President a reasonable notice shall be given of the time and place of hearing the application, shall attend the meeting in person, or by an authorized agent or attorney, the freeholders after being duly sworn, shall hear the application and determine the amount of damages to be awarded the party, or parties whose land has been appropriated by the company, and make return thereof to the court from whence the order emanated, or by which the commission of freeholders was appointed; Provided, that when the amount of the award exceeds the jurisdiction of the County Court, the return shall be made to the District Court at its next session, and the Court where said return shall be made shall act thereon summarily, and confirm or reject the award of the freeholders, in the same manner as awards of arbitrators in ordinary cases. In determining the amount of compensation to be paid as aforesaid, the freeholders shall be governed by the value of the land at the time it was taken: taking into consideration the injury or benefit done to other neighboring lands of the owner by the establishment of said Railroad. If, in any case, the amount found by the arbitrators shall not exceed the sum offered by the company, as shewn on the trial, to the owner prior to his application to the Court, the owner shall pay the costs of the proceedings, otherwise the costs shall be paid by the Company.

Sec. 8. That the said Company shall be authorized to borrow money and issue the bonds thereof, and negotiate the same by sale or otherwise, as the interest of the Company may render meet and proper.

Sec. 9. Upon the application in writing of one-fourth of the stockholders the President shall call a meeting of the stockholders and Directors; and upon the demand of two-thirds of the stockholders the President shall remove any one or all the Directors and order a new election; and the President shall, upon the application of two-thirds of the stockholders, be re-

moved by a majority of the Directors concurring, and in such event, the Directors shall appoint one of their number President pro. tem., and the President pro. tem. shall order an election for a President, to fill out the unexpired term of the President removed. Notice of thirty days shall be given of all elections by publication in some newspaper published at Victoria, Columbia or Houston.

Sec. 10. The Company is hereby required at all reasonable times, and for reasonable compensation, to draw over their road the passengers, merchandize and cars of any other Railroad Company which has been or may be hereafter authorized by the Legislature to enter with their Railroad and connect with the Railroad of this Company; and if the respective Companies shall not be able to agree upon the compensation aforesaid, it shall be the duty of the Presidents of said Companies, each to choose a disinterested person who is not a stockholder in either of the corporations, and if the two cannot agree they may call in a third disinterested person to decide as umpire, and they shall fix the rates which shall not be changed in twelve months after the time of going into effect; the aforesaid commissioners or referees shall also determine the periods when said cars, merchandize and passengers are to be drawn over said road as aforesaid, having in view the interest and convenience of the corporations and the public that may be accommodated thereby. The right and power is also conferred on this Company to connect and contract with any Railroad heretofore chartered, or that may be chartered hereafter by this State, for the performance of like transport of passengers, merchandize and cars, and in case of disagreement of the Companies as to the right, the same shall be referred to and settled by referees or commissioners as aforesaid, for the same time with same effect.

Sec. 11. That in order to assist this Company in the construction and putting in running order the Railroad as herein contemplated, a donation or bonus of sixteen sections of land (of six hundred and forty acres each,) to each mile of Railroad which the Company may construct and put in running order, and the Commissioner of the General Land Office is authorized and required to issue to the President and Directors of said Company certificates for said sixteen sections of six hundred and forty acres each, for each mile, whenever twenty-five miles of said Railroad are completed and put in running order, and for every succeeding twenty-five miles of said Railroad so completed and put in running order a like number of certificates for a like amount of land shall be issued from time to time until

the road is completed, and sixteen sections to the mile are received for each mile thereof.

Sec. 12. That the Railroad herein named shall be commenced on or before the first day of January 1868 and twenty-five miles thereof put in running order by the first day of January 1870, or this franchise shall be forfeited.

Sec. 13. That in order to render the Victoria and Columbia Railroad more useful to the public, power and authority is hereby given the said Railroad Company to construct a bridge across the Brazos river at such point at or near the town of Columbia as the Directors of said Company may determine, so as to make a connection with the Railroad now in existence from Columbia to Houston; provided, the said bridge to be so constructed as not to impair or obstruct the navigation of said Brazos river.

Sec. 14. That this Company shall be subject to the provisions and entitled to the benefits of any general provisions or laws which have been or may hereafter be enacted by the Legislature regulating or encouraging the construction of Railroads.

Sec. 15. That the Victoria and Columbia Railroad Company shall have the privilege of fixing the eastern terminus of their road at the town of Wharton, in Wharton county, and to connect with any other Company, in order to complete their Railroad, that they may be able to make arrangements with, consistent with the interests of said Companies; and that the further privilege be given said Railroad Company of consolidating or uniting with any other Railroad Company having a charter to construct a Railroad from Columbia to Wharton, or to any other place west of Columbia and in the direction of Victoria; provided, that nothing herein contained shall authorize said Company to stop short of Victoria, and that this act shall be in force for twenty-five years and shall then expire unless revived or extended, and shall be in force and have effect from and after its passage.

Approved November 13, 1866.

CHAPTER CCXXIII.

An Act to incorporate the Richmond Library Association.

Section 1. Be it enacted by the Legislature of the State of Texas, That Robert J. Calder, George A. Feris, Walter Anders, C. H. Kendall, J. R. Pettus J. C. Williams, J. E. Win

ston, B. W. Bell, E. Ryan, P. Vogel, D. K. Hinkle, J. W. McConaughy, P. W. Hinton, W. H. Albertson, H. DeVenve, J. C. Herndon, Leon Marshultz, C. S. Alexander, J. W. Eckman and Gustave Cook, or any ten of them, and successors and associates, be, and they are hereby created a body corporate, under the name of the Richmond Library Association. That they may have a seal, sue and be sued, plead and be impleaded, adopt by-laws for their own government, issue certificate of membership and shares of stock, purchase, hold and convey property, real and personal, as may be necessary for their own use as such corporate body, and generally to do and perform such acts as are incident to similar Corporations.

Sec. 2. That as soon as practicable an election shall be held by the members of said Association, for one President, and one Secretary, who shall also act as Treasurer, and five Directors, who shall manage and transact the business of the Association, and discharge the duties devolved on them by the by-laws, and shall hold their office for the term of one year, and until their successors are qualified.

Sec. 3. That there shall at no time be more than forty members of the Association, whose certificates shall be transferable only with the consent of the Board of Directors, and all transfers shall be entered on the books of the Secretary.

Sec. 4. That the capital stock shall at no time exceed the sum of forty thousand dollars, issuable in shares of ten dollars, transferable by endorsement and delivery, and each certificate of membership and share of stock shall entitle the holder to one vote at the meetings of the stockholders.

Sec. 5. That it shall be lawful for the Association to purchase real estate, and erect buildings thereon for their own use, or to purchase stock or shares in any such property for their own use, and to create a revenue from rents and profits arising, sufficient to support the Association in its legitimate functions, and to extend its operations.

Sec. 6. That in no case shall any holder of certificate or share of stock be allowed a vote until such certificate or share of stock is wholly paid for, and a violation of this section shall forfeit the Charter ipso facto.

Sec. 7. That a quorum of stockholders shall be nine or more, and any two Directors with the President and Secretary, or any three Directors and the President, or any four Directors with either President or Secretary, shall constitute a quorum of the Board.

Sec. 8. That this Act take effect from and after its passage, and remain in force for fifty years.

Approved November 13, 1866.

CHAPTER CCXXIV.

An Act to incorporate the San Antonio and Guadalupe Bridge Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That D. F. Williams, E. M. Phelps and Vicente De La Garza, and such others as they may associate with them, be created a body corporate and politic, by the name of the San Antonio and Guadalupe Bridge Company, and by that title shall have a seal, and the same change at will; may own real, personal or mixed property to an amount necessary to carry out and complete the object of this Charter, and may sell and convey the same, and may do and perform all acts necessary and proper for such Corporation to perform, and may make by-laws and regulations for their government, not inconsistent with the laws and Constitution of this State or of the United States.

Sec. 2. That the Corporators shall have the right to construct across the rivers San Antonio and Guadalupe, at any place on said river San Antonio between the line Carlos De Le Garza league and the upper line of the Green Clay tract of land, and on the river Guadalupe at or near Kemper city; provided, they obtain a right of way from the owners and proprietors of the lands on the banks of said streams, at the place where said bridges may be constructed, and that they be authorized to demand and receive such tolls at said bridges, or either of them, when constructed, as may be allowed and established by ordinance of the Police Court of the county of Victoria; provided, that the bridge so constructed over the Guadalupe river shall not interfere with the navigation of the said Guadalupe river.

Sec. 3. That this franchise shall continue for twenty-five years from the first day of January next, 1867, and shall be forfeited unless one or both of said bridges be completed within three years from the passage of this Act.

Sec. 4. That this Act shall be in force from and after its passage.

Approved November 13, 1866.

CHAPTER CCXXV.

An Act to incorporate the Corpus Christi and Rio Grande Railroad Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That a corporation and body politic be, and the same is hereby created, to consist of the President, Directors and stockholders of an Association, to be styled the Corpus Christi and Rio Grande Railroad Company, and Perry Doddridge, Norwick Gussett, John M. Moore, Charles Lovenskiold and Wm. Headen, be, and they are hereby appointed commissioners to organize said Company, with power, in their corporate capacity, under the name and style of the Corpus Christi and Rio Grande Railroad Company, to have succession, to sue and be sued, to plead and be impleaded, to grant, bargain and sell, to mortgage, deedtrust, acquire, purchase or receive real, mixed or personal property; to make contracts, to borrow money on their bonds or notes, predicated upon this Charter, and its rights and franchises, and upon the property of every kind held and owned by the Company; to have a common seal, and the same to use, alter or break; to make by-laws and enforce the same, and generally to do and perform all such acts as may be proper and necessary to carry into effect the objects of this Charter, and to maintain the rights accruing under or connected with the same; provided only, that such by-laws or any such acts be not inconsistent with the Constitution and laws of this State or of the United States.

Sec. 2. That said Company is hereby invested with the right to locate, construct, own and maintain a Railroad commencing at Corpus Christi, in the county of Nueces and State of Texas, and thence by the nearest and most practicable route to the Rio Grande, between a point at or below Eagle Pass and a point at or near Rio Grande city, in the direction of Monterey and the Gulf of California. It being one purpose of this Act to connect the system of Railroads of this State with such system as may be authorized by the Government of Mexico, and therefore, with the consent and by the authority of said Government, the Company by this Act incorporated, are empowered and authorized to extend their Railroad beyond the Rio Grande to Monterey, Mexico, and beyond to a point on the Gulf of California, and to locate, construct, own and maintain such Railroads, and to enjoy such further rights, privileges, franchises, powers and immunities as the Government of Mexico may grant, confer or vest in this Company.

Sec. 3. That the capital stock of this Company shall be two million five hundred thousand dollars, which may be increased to a sum not exceeding ten millions of dollars, according to the extension of the road contemplated, to be divided into shares of one hundred dollars each. Each share shall entitle the owner to one vote in person or by proxy, at all meetings of the stockholders, and such share shall be deemed personal property, transferable only on the books of registry of the Company by the original owner, his assignee or their legally constituted agent or attorney. The stock shall at all times be liable to the Company for any assessment against the owner that remains unpaid thereon, and which was collectable prior to such transfer.

Sec. 4. That the Commissioners named in the first section of this Act, or a majority of them, as soon as convenient, shall cause books of subscription to be opened for subscribers to the capital stock of the Company in the cities of Corpus Christi, Eagle Pass, Laredo, Roma, Rio Grande city, Monterey, Saltillo, and in such other places as they may determine, and for such time as they may direct, and for such purpose appointing such additional Commissioners as to them may seem necessary at each place. When two hundred and fifty thousand dollars of the capital stock have been subscribed, the herein named Commissioners shall cause to be called a meeting of the subscribers, at the city of Corpus Christi, which shall be the place of business and of the office of this Company; and at such meeting, after payment by each subscriber of at least ten per cent. upon the amount of his subscription, the Company shall be organized by the election of the constituted officers. Any agreement in writing by which any person may become a subscriber to the capital stock of the Company, may be enforced against him according to its tenor and terms; and, if any subscriber fail to pay any amount or assessment due by him on account of the shares by him taken, after the organization of the Company, the Directors may, after thirty days public notice, sell at auction and transfer to the purchaser thereof, the shares of the delinquent; and if the proceeds of such sale should not be sufficient to liquidate the indebtedness of the original subscriber, such delinquent shall be held liable to the Company for the deficiency in principal, interest, cost and charges; but in case of any surplus or excess, the same shall be paid over to such delinquent.

Sec. 5. That the affairs of the Company shall be under the control and management of a President, and not less than five Directors, to be styled the Board of Directors, to be elected by and from among the stockholders, but no one shall be eligible as

President or Director who is not the bona fide owner of at least ten shares of the capital stock; and the first election shall take place at the first meeting of the stockholders, as hereinbefore mentioned, and within at least two years from the passage of this Act; provided, that at least one-half of the Board of Directors shall be citizens of the State of Texas. The term of office of the President and Directors shall be one year from and after the first Monday of January of each year, after the first organization of the Company, or until their successors are duly elected. In case of a vacancy from any cause whatsoever, the remaining Directors of the Board shall fill the same for the unexpired term, by election from among their own number or that of the stockholders. The Board of Directors shall appoint a Secretary, a Treasurer, a Superintendent, Civil Engineer, and such other officers, agents and employees as they may deem necessary, and shall prescribe for their government such rules as may be necessary, and fix their salaries and compensation. They shall cause true and correct books to be kept, showing clearly all their proceedings and all receipts and disbursements, which books at all reasonable hours shall be open for the inspection of any person interested in the Company. The President and three Directors, or a majority of the Directors in case of the absence of the President, shall form a quorum for the transaction of business. All contracts in writing, conveyances, bonds or notes, executed by the President and countersigned by the Secretary, in accordance with a resolution of the Board of Directors, and under authority of this Act shall be binding. They shall make and enforce all necessary by laws, rules and regulations for the government of the affairs of the Company. They shall report annually to the Governor of the State, under the oath of the President and Secretary, the true condition and progress of the Company.

Sec. 6. That there is hereby granted to said Company the right of way over any public lands, roads or highways, necessary for the construction of their road; and said Company may acquire or obtain from the owners of private lands the right of way through or over the same, as well as all lands necessary for the construction of depots, machine shops, stations and other requisite buildings, in the manner and under the conditions prescribed by the general Railroad laws of the State; provided, that the land taken for road beds shall not exceed two hundred feet in width, and that for depots and other requisite buildings, such further width or depth only as may actually be necessary.

Sec. 7. That the herein named Commissioners may acquire real, mixed or personal property by gift, donation or purchase, for

the benefit of the Company, and may take any such property in satisfaction of payment for shares of the capital stock, and until the organization of the Company may appoint special agents to obtain or acquire any such property; provided always, that when taken in payment of shares any such property shall be accepted only at its actual market value in coin.

Sec. 8. That said Company shall have the right to demand and receive such rates of compensation for transportation of freight and passengers as they may establish, not exceeding however, five cents per mile for passengers and fifty cents per hundred pounds of freight for every hundred miles that the same may be carried; provided, that the Legislature of the State shall have the right to regulate the price of freight and passage upon said road, but so as at no time to reduce the same below twelve per centum per annum upon the actual cost of the road and of the equipments thereunto attached.

Sec. 9. That the construction of said road shall be commenced within two years from and after the passage of this Act, and there shall be graded and ready for the rails, at least twenty five miles of said road, within three years of said passage, and from and after said three years, there shall be completed, in good running order, for each and every year, at least twenty-five additional miles of said road.

Sec. 10. That the Board of Directors shall, at such times as they may deem necessary, direct the payment of the whole or any portion of the shares subscribed, and by advertisement in a newspaper published at Corpus Christi, require each stockholder, within the ensuing sixty days, to come forward and pay to the Treasurer the amount of his assessment; and any one failing to comply with such demand during such default, shall be disqualified from voting or holding office of any kind, and no dividend shall be paid to him during such interval; and this in addition to the penalties hereinbefore prescribed.

Sec. 11. That this Company shall be entitled to the benefit of all the grants, rights, privileges, powers, franchises, immunities or loans conferred or guaranteed to Railroad Companies by any laws of the State, enacted for the encouragement of the construction of Railroads, and which laws now are, or hereafter may be in force; and that this Company shall be and remain subject to all the rules, regulations and conditions of the general laws of the State, enacted for the government of Railroads, as they now exist or as they may hereafter be altered or amended.

Sec. 12. That nothing in this Act shall be construed into

conferring banking privileges, nor to impair or infringe in any manner upon any vested rights of third parties.

Sec. 13. That this Act shall take effect from and after its passage, and shall remain and continue in force for and during ninety-nine years, unless sooner forfeited.

Passed November 13, 1856.

JOINT RESOLUTIONS.

No. 1.

JOINT RESOLUTION.

For the relief of the city of San Antonio.

Whereas, The appointment of the Mayor and Board of Aldermen, and other officers of the corporation of the city of San Antonio, made by the Provisional Government of the State, expired with the said Provisional Government; and whereas, no election under the charter of said city has been had, or can be, until the same is ordered and held according to the provisions of said charter, and in consequence of this state of things much loss, confusion and disorder may arise; therefore

1. Be it resolved by the Senate and House of Representatives of the State of Texas, That the Mayor chosen at the last election under the Charter, and the Aldermen acting at the time of the appointment of a Provisional Mayor and Board of Aldermen, and other corporation officers then acting, be authorized to resume the duties of the respective offices to which they were so elected and held, to receive all monies, property, papers and records belonging to said offices, and generally to exercise their several functions according to the Charter of said city of San Antonio, until an election can be held and their successors qualified under it.

2. That this resolution take effect from and after its passage.

Approved August 23, 1866.

No. 2.

JOINT RESOLUTION.

For the relief of J. F. Lund.

Resolved by the Legislature of the State of Texas, That the Comptroller of Public Accounts be authorized and directed to

draw his warrant upon the State Treasurer in favor of J. F. Lund, Assessor and Collector of Starr county, for the amount of sixty-seven dollars and fifty cents in currency, the amount paid out by said Lund for an escort and guard from said county of Starr to the city of Austin, and that the sum of sixty-seven dollars and fifty cents be and the same is hereby appropriated for that purpose out of any money in the Treasury not otherwise appropriated.

This resolution to take effect and be in force from and after its passage.

Approved October 11, 1866.

No. 3.

JOINT RESOLUTION.

Be it resolved by the Legislature of the State of Texas, That leave of absence from the State of Texas during the summer vacation of A. D. 1867, be, and is hereby granted to Hon. J. J. Holt, Judge of the tenth Judicial District.

Approved November 1, 1866.

No. 4.

JOINT RESOLUTION.

Resolved, That leave of absence from the State be granted to W. M. Walton, Attorney General, for sixty days.

Approved November 10, 1866.

No. 5.

JOINT RESOLUTION.

Making an appropriation for the payment of S. B. Buckley for services as Geologist.

Section 1. Be it resolved by the Legislature of the State of Texas, That the Comptroller of the State be, and he is hereby

authorized and required to draw his warrant upon the Treasurer, in favor of S. B. Buckley, for the sum of five hundred dollars, for his services as Geologist for the State.

Sec. 2. That the sum of five hundred dollars be, and the same is hereby appropriated out of any money in the Treasury not otherwise appropriated, for the payment of said warrant; and that these resolutions be in force from their passage.

Approved November 12, 1866.

STATE DEPARTMENT . }
Austin, Texas, 18th Dec. 1866. }

I CERTIFY that the Session of the Eleventh Legislature of the State of Texas begun its session, at the City of Austin, on Monday, the 6th day of August, A. D., 1866, and adjourned on Monday, 13th day of November, of the same year.

I Further Certify, that the Acts and Joint Resolutions, passed at said session, contained in this volume, are true copies, taken from the original Rolls deposited in this Department, with which they have been carefully compared.

GIVEN under my hand and official Seal, the day and
[L. s.] date above written.

JNO. A. GREEN,
Secretary of State.

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